

Also, resolutions of Laredo, Tex., Order of Railway Conductors, No. 899, asking for the recall of Ambassador Powell Clayton to Mexico—to the Committee on Foreign Affairs.

Also, resolution of Cattle Raisers' Association of Texas, favoring the passage of the bill to extend the limit of cattle from twenty-eight to forty hours; also, for the passage of a measure to secure a complete census of live stock every five years—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of same body, favoring the passage of House bill No. 6565, known as the Grosvenor pure-fiber bill—to the Committee on Ways and Means.

Also, resolutions of the same, in favor of Senate bill 3311, relating to the leasing of public lands—to the Committee on the Public Lands.

Also, resolutions of the same, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Company G, Third Infantry, Texas Volunteers, favoring the passage of House bill 9972, in behalf of the National Guard—to the Committee on the Militia.

Also, resolutions of Sunset Lodge, No. 177, Brotherhood of Locomotive Firemen, of Marshall, Tex., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of the same lodge, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 13368, granting a pension to Joseph H. Shute—to the Committee on Invalid Pensions.

By Mr. CORLISS: Papers to accompany House bill 13369, granting a pension to Eliza W. Buckland—to the Committee on Invalid Pensions.

By Mr. COUSINS: Resolutions of Federation of Labor at Cedar Rapids and Connecting Link Lodge, No. 212, Brotherhood of Railway Trainmen, Belle Plain, Iowa, favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Resolutions of Brotherhood of Locomotive Firemen of McKees Rocks and Brotherhood of Railroad Trainmen of Altoona, Bradford, and Philadelphia, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DEEMER: Petitions of the Methodist Episcopal Church and the First Baptist Church of Williamsport, Pa., to abolish the sale of liquor at Soldiers' Homes—to the Committee on Military Affairs.

By Mr. DRAPER: Resolutions of Coopers' Union No. 2, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of R. J. George and 45 other citizens of Allegheny, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. LANHAM: Resolutions of Ivanhoe Lodge, No. 490, Brotherhood of Locomotive Firemen, Smithville, Tex., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of same lodge, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Resolutions of the East Side Republican Club, and Coopers' International Union No. 2, of the city of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Resolutions of Coopers' International Union No. 2, of New York City, favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Resolutions of the Chamber of Commerce of Washington, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Petition of Sarah A. Palmer, of Madison County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Henry C. Martin and Robert Martin, surviving partners of the firm of James Martin & Sons, Florence, Ala.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Beer Drivers' Union No. 116, against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of the Second Congressional district of Iowa, asking the President to proffer to the British Government the assistance of the United States in the settlement of the differences between Great Britain and the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Petition of citizens of Brooklyn, Conn., favoring a bill providing for the manner of payment of postage on books, catalogues, and other printed matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the chamber of commerce, concerning river and harbor improvement—to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: Resolutions of Carpenters' Union No. 957, Stillwater, Minn., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of John A. Rawlins Post, No. 126, Grand Army of the Republic, of Minneapolis, Minn., for a national military park at Fredericksburg, Va.—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of Coopers' International Union No. 2, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 13378, granting a pension to Edwin Beckwith—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Papers to accompany House bill granting an increase of pension to Peter Johnson—to the Committee on Invalid Pensions.

By Mr. WACHTER: Papers to accompany House bill to remove the charge of desertion against the record of George W. Jones—to the Committee on Military Affairs.

By Mr. YOUNG: Resolution of Mount Moriah Lodge, No. 319, Brotherhood of Locomotive Firemen, and Anna M. Ross Council, No. 553, Junior Order United American Mechanics, of Philadelphia, Pa., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, April 5, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

CIVIL-SERVICE EXAMINATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commissioners, transmitting, in response to a resolution of the 18th ultimo, a statement showing the number of persons examined during each fiscal year from 1884 to 1901, inclusive, etc.; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

JICARILLA RIVER APACHE RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, relative to a clause in the Indian appropriation act approved August 15, 1894, a draft of a bill authorizing the sale of timber on the Jicarilla River Apache Reservation for the benefit of the Indians belonging thereto; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

ALLEGED ORDER FOR MASSACRE AT MANILA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 2, 1901, certain information concerning the alleged order for the massacre of the foreign residents of Manila on February 15, 1899, together with a photographic reproduction of the alleged massacre order bearing date of February 7, 1899; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

SHIPMENTS IN GOVERNMENT TRANSPORTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 12th ultimo, certain information relative to the free shipment or transportation of goods for private firms or individuals to or from the Philippine Islands in Government transports; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

REVENUE-CUTTER SERVICE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

The amendments of the House were, on page 1, line 11, after "Lieutenant," to insert:

: Provided, however, There shall be no increase in the number of officers upon the active list over the present number in each class or grade.

On page 2, after line 12, to insert:

: *Provided further*, That no provision of this act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service. Nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by direction of the President.

And on page 5, after line 7, to insert:

: *Provided*, That no longevity increase of pay shall be allowed for any length of service accruing after retirement.

Mr. GALLINGER. Mr. President, I move that the Senate concur in the amendments made by the House of Representatives. The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1872) granting an increase of pension to Abbie George.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 3910) granting an increase of pension to Robert S. Woodbury.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2270) granting an increase of pension to Otilia M. Smoot; and

A bill (H. R. 8696) granting an increase of pension to William B. Rowe.

PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented a petition of Local Union No. 16, Lithographers' International Protective and Beneficial Association, of Louisville, Ky., and a petition of the Charity Organization Society of Louisville, Ky., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bedford, Ky., and a petition of sundry citizens of Meade County, Ky., praying for the adoption of certain amendments to the internal-revenue laws; which were referred to the Committee on Finance.

Mr. HETTFELD presented a petition of Gibbonsville Miners' Union, No. 37, Western Federation of Miners, of Gibbonsville, Idaho, praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. BERRY presented the memorial of I. W. Duncan, of Fayetteville, Ark., remonstrating against the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. TELLER presented a memorial of the legislature of Colorado, favoring the pursuit of a policy in the Philippine Islands which will ultimately insure the independence of the Philippine people and for the establishment of a protectorate in the meanwhile; which was referred to the Committee on the Philippines, and ordered to be printed in the RECORD, as follows:

House joint memorial No. 5. By Mr. H. L. Lubers.

To the honorable the Senate and the House of Representatives of the United States:

Your memorialists, the legislature of the State of Colorado, in extra session assembled, respectfully petition as follows: That

Whereas the questions now pending before our nation in relation to the Philippines are of vast moment, involving the future history, not only of the Philippines, but of our own country as well, and also requiring new and unlooked-for interpretation of our fundamental laws and principles; and

Whereas, in addition to the question of the contested political sovereignty, there are other subjects and results, accrued and accruing, to wit: The loss of thousands of American lives and tens of thousands of Filipinos, uncounted numbers of widows and orphans, country devastated, a whole people changed from friends to enemies, and hundreds of millions of expense incurred, and the end not yet; and

Whereas it would seem not only meet and proper, but urgently incumbent on all American citizens to consider these great questions and to express their sentiments thereon, to the end that, if possible, further bloodshed and devastation shall cease, that errors may be corrected or avoided, and that right principles be discerned and adopted; and

Whereas the burden of the cry of these people is for their independence, to which, in our opinion, they are as justly entitled as are we to our own, and upon the granting or promising of which we firmly believe all their resistance would cease: Now, therefore,

Resolved, That we deplore that interpretation of religion and protest against the idea of national honor which seeks to compel, by shot or shell, our flag to float over an alien and unwilling people; that while we are expansionists yet we desire our flag to float, not over those who hate, but over those who love it;

Resolved, That our highest national honor and duty, not only to the Filipinos, but also to ourselves, require that we should without delay clearly outline and declare our national policy toward the Filipinos, and that said policy should be along the lines of assisting them to form a stable govern-

ment, which said government when thus formed should be their government, not ours, and that we should exercise protection over them as we are now doing over Cuba and the South American Republics until such time as they become reasonably established;

Resolved, That a copy of these resolutions, duly signed by the governor and attested by the secretary of state, shall be forwarded to the President of the United States and to our Senators and Representatives in Congress.

B. F. MONTGOMERY,

Speaker of the House of Representatives.

WILLIAM J. HAMILTON,

Clerk of the House of Representatives.

D. C. COATES,

President of the Senate.

W. H. KELLEY,

Secretary of the Senate.

JAMES B. ORMAN,

Governor of the State of Colorado.

DAVID A. MILLS,

Secretary of State.

Attest:

[SEAL.]

Mr. TELLER presented a memorial of the legislature of Colorado, remonstrating against all national legislation calculated to transfer the control of the volume of money from Congress to any other authority; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

House joint resolution No. 4. By Mr. Ballinger.

Whereas since the panic of 1893 the people of Colorado and the great West have earnestly labored to adjust their affairs so as to meet the changed conditions forced upon them by the almost complete destruction of their then leading industry, pay their debts, preserve their homes, build new ones, and keep the peace within their own borders; and

Whereas through the interposition of Providence in their behalf, in their unprecedented economic struggle, new and unexpected discoveries of gold, of oil, and other natural resources essential to a permanent restoration of a beneficent prosperity have been multiplied until the State of Colorado is now upon the threshold of an unequalled development in every one of her industries; and

Whereas it is reported that a fresh attempt is about to be made in the National Congress to deprive the people of this State and of the nation of a just recompense for their sagacity, enterprise, and thrift, through a process of financial legerdemain by which the volume of our national currency is to be reduced and its control made to pass from the people to an international banking syndicate, by which reduction and transfer the surplus earnings of our people will be filched from them and turned over to a greedy and unpatriotic syndicate of home and foreign manipulators of money and of values, calling itself the world power; and

Whereas the people of Colorado have never shirked any of their obligations as citizens of the Republic, but have faithfully discharged every one of them to the utmost of the spirit as well as the letter of every demand made upon them, in war as in peace: Therefore, be it

Resolved by the house of representatives of the general assembly of the State of Colorado (the senate concurring),

First, That the bills now pending in the Congress of the United States which propose to transfer the power to regulate the volume of the circulating medium from the Congress of the United States, or the people, where the people's Constitution has placed it, ought not to be enacted into laws, because to do so would be a betrayal of the rights of the people of the United States, and could possibly have no other effect than their ultimate subjugation to the will of a foreign or international or domestic money trust.

Second, *Resolved*, That our Senators in Congress be instructed and our Representatives requested to cast their votes and to do everything that they may legally and rightfully do as representatives of the State and of the people to prevent such legislation and to increase rather than diminish the present volume of the circulating medium.

Third, *Resolved*, That the legislative bodies of our sister States now in session and their representatives in the National Congress be invited to give this impending national calamity their immediate and most earnest consideration, to the exclusion of any and all other business, to the end that, by our united action, most disastrous consequences to our country may be averted.

Fourth, *Resolved*, That a duly engrossed copy of these resolutions be at once forwarded to each of our Senators and Members in Congress, to the Speaker of the House, and the President of the Senate, in Congress, and to the President of the United States; also that a duly engrossed copy be sent to the presiding officers of each house of the legislature of the several States now in session, and one to the Associated Press, without any delay, with a request for its immediate and widespread publication throughout the United States.

B. F. MONTGOMERY,

Speaker of House of Representatives.

WM. J. HAMILTON,

Chief Clerk.

D. C. COATES,

President of the Senate.

W. H. KELLEY,

Secretary of Senate.

JAMES B. ORMAN,

Governor of State of Colorado.

DAVID A. MILLS,

Secretary of State.

Attest:

[SEAL.]

Mr. TELLER presented a petition of the First National Bank of Delta, Colo., praying for the enactment of legislation reducing letter postage from 2 cents to 1 cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Reno Post, No. 39, Department of Colorado, Grand Army of the Republic, of Denver, Colo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented the petition of Henry Gilbert and sundry other citizens of Oakes, Colo., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of Locomotive Engineers' Local Union No. 430, of Trinidad; of the Durango Mine and Smeltermen's Local Union No. 58, of Durango, and of the Gillett Mill

and Smeltermen's Local Union No. 92, all in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Colorado, of Typographical Union No. 82, of Colorado Springs, and of sundry citizens of Teller County, Colo., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. PLATT of Connecticut presented resolutions adopted by the Chamber of Commerce of New Haven, Conn., favoring the enactment of legislation for improving and developing the waterways and harbors of the country; which were referred to the Committee on Commerce.

Mr. QUAY presented a petition of Martin R. Delaney Circle, No. 122, Department of Pennsylvania, Ladies of the Grand Army of the Republic, of Allegheny, Pa., and a petition of Colonel John B. Clark Circle, No. 11, Department of Pennsylvania, Ladies of the Grand Army of the Republic, of Allegheny, Pa., praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing the pensions of widows to \$12 per month; which were referred to the Committee on Pensions.

He also presented a petition of 56 citizens of Reamstown, Pa., praying for the enactment of legislation providing for the purchase of 1,100 acres of the Valley Forge encampment ground, to be used as a national park; which was referred to the Committee on Military Affairs.

Mr. MITCHELL presented a petition of The Dalles Division, No. 58, United Brotherhood of Railway Employees, of The Dalles, Oreg., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Robert Colored, of the parish of St. Landry, La., praying that he be granted an honorable discharge; which was referred to the Committee on Military Affairs.

He also presented a petition of Sunset Lodge, No. 130, Brotherhood of Railway Trainmen, of Portland, Oreg., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of the Portland Association of Credit Men, of Portland, Me., praying for the adoption of certain amendments to the bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of Mrs. Jessie S. Copeley, of Portland, Oreg., praying that she be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. FRYE presented a petition of Iron Molders' Union No. 248, of Portland, Me., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

ADDITIONAL HOMESTEADS.

Mr. COCKRELL. I present a letter from Hon. Binger Hermann, Commissioner of the General Land Office, relative to the right for additional homestead. It consists of only one page, and there are a good many applications for information on the subject. I move that it be printed as a document for the Senate document room.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3876) granting an increase of pension to Theophile A. Dauphin; and

A bill (H. R. 7525) granting a pension to Marion Barnes.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3898) providing for the erection of a public building at Flint, Mich., reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, submitted a report to accompany the bill (S. 3421) for the relief of Eleonora G. Goldsborough, to take the place of the report submitted by him upon the same bill March 20, 1902.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2204) to provide for the erection of a public building at Findlay, Ohio, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 177) for the erection of a public building at Providence, R. I., reported it with amendments, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco, reported it with an amendment.

Mr. MASON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4909) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4948) for the relief of Edward Lautenschlaeger, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

URGENT DEFICIENCIES.

Mr. HALE. From the Committee on Appropriations I report back without amendment the bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes. The bill contains a few small items of needed deficiencies, and I ask that it be put on its passage.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 4967) for the relief of E. W. and A. Cross; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4968) granting an increase of pension to Charles G. Sweet; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 4969) granting an increase of pension to Abbie George; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 4970) to extend certain patent for the benefit of the heirs and legal representatives of Joseph A. McConnell, deceased; which was read twice by its title, and referred to the Committee on Patents.

Mr. PROCTOR introduced a bill (S. 4971) for the relief of Robert D. Benedict; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4972) for the relief of the estate of F. Z. Tucker; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4973) to place Lient. Col. and Brevet Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CULBERSON introduced a bill (S. 4974) to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. NELSON introduced a bill (S. 4975) for the erection of a public building at Crookston, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4976) granting a pension to Jennette Baldwin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4977) granting an increase of pension to R. F. Catterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SIMMONS introduced a bill (S. 4978) for the relief of the widow of R. D. Hay; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4979) granting an increase of pension to Paul Fuchs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4980) to incorporate the American Academy in Rome; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4981) to provide for the erection of a public building and acquire a site therefor at Mount Clemens, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4982) granting an increase of pension to John Fler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 4983) granting a pension to John W. Smoot; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 4984) for the relief of Peyton Atkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4985) to incorporate the Society of the American Cross of Honor; which was read twice by its title,

and referred to the Committee on Corporations Organized in the District of Columbia.

Mr. CULLOM introduced a bill (S. 4986) to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs," approved February 15, 1902; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 4987) granting an increase of pension to Junius T. Turner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 4988) to divide the Indian Territory into counties and to establish the county seats thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4989) for the relief of Magnus Lewin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4990) to renew certain letters patent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced a bill (S. 4991) allowing two months' extra pay to enlisted men of the United States Navy during the war with Spain who served outside the United States, and one month's extra pay to such as served within the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BARD introduced a bill (S. 4992) to provide an American register for the bark *Homeward Bound*; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 4993) granting an increase of pension to Jessie S. Copeley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4994) granting an honorable discharge to Robert Colored; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. QUAY submitted an amendment authorizing the President to appoint, by and with the advice and consent of the Senate, the present senior major-general of the Army to the rank of lieutenant-general, and place him on the retired list with that grade, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate a sum of money sufficient to pay the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of said State, or may hereafter be made in said State, to aid in the support of the public or common schools of said State, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. McMILLAN submitted an amendment, proposing to appropriate \$45,000 for constructing a modern steel light-ship for Southeast Shoal, Point au Pelee Passage, Lake Erie, and an amendment proposing to appropriate \$4,000 to maintain such light-ship, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$225,000, or so much thereof as may be necessary, for the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and for buildings for the troops, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment, proposing to appropriate \$225,000, or so much thereof as may be necessary, for the purchase of land on Cushings Island, Portland Harbor, Maine, to be used to erect additional batteries and for buildings for the troops, etc., intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment proposing to appropriate \$50,000 to authorize the Secretary of War to cause to be examined the materials furnished and the work and labor done since May 22, 1901, in accordance with the method and system and under the plans of the United States engineer officer in charge, to prevent the erosion of the banks at or near Sawyers Bend in the harbor of St. Louis, so as to improve the channel, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate

\$175,000 for the repairs of the jetties at the mouth of the Brazos River, Texas, and also \$150,000 for the completion of the existing project at the mouth of that river, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

CHINESE EXCLUSION.

Mr. DILLINGHAM submitted 12 amendments intended to be proposed by him to the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent; which were ordered to lie on the table, and to be printed.

UNIVERSITY OF THE UNITED STATES.

Mr. JONES of Arkansas. I move that the bill (S. 3943) to establish a university of the United States be recommitted to the Committee to Establish a University of the United States. I was not present when the bill was considered by the committee, and yesterday I notified the chairman, the Senator from Kentucky [Mr. DEBOE], that I should to-day make a motion to recommit. The motion was agreed to.

IMITATION DAIRY PRODUCTS.

On motion of Mr. PROCTOR, it was

Ordered, That H. R. 8306, to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory of the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be reprinted with the Senate amendments numbered.

THE ISTHMIAN CANAL.

Mr. KITTREDGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That pages 33 to 47, inclusive, of Senate Report No. 783, Fifty-seventh Congress, first session, being the views of the minority of the Committee on Inter-oceanic Canals, be printed as a document.

LIFE-SAVING STATION ON OCRACOE ISLAND, NORTH CAROLINA.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill (H. R. 10363) to authorize the establishment of a life-saving station on Ocracoe Island, on the coast of North Carolina. It is a very short bill.

Mr. STEWART. I will give way for that, but for nothing else. I desire to call up the Indian appropriation bill and continue it this morning. I gave notice yesterday that I should do so.

Mr. SIMMONS. I do not desire to displace the Indian appropriation bill. This bill will take only a minute.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the Indian appropriation bill.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 11353) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. The next amendment of the Committee on Indian Affairs will be read.

The next amendment was, on page 66, after line 4, to insert:

For payment to the Indians occupying the Mille Lac Indian Reservation, in the State of Minnesota, the sum of \$50,000, or so much thereof as may be necessary, to pay said Indians for improvements made by them, or any of them, upon lands occupied by them on said Mille Lac Indian Reservation, said payment to be made upon investigation, examination, and appraisal by the Secretary of the Interior, upon condition of said Indians removing from said Mille Lac Reservation: *Provided*, That any Indian who has leased or purchased any Government subdivision of land within said Mille Lac Reservation from or through a person having title to said land from the Government of the United States shall not be required to move from said reservation, but shall be entitled to the benefits of said appropriation to all intents and purposes as though they had removed from said reservation: *And provided further*, That this appropriation shall be paid only after said Indians shall, by proper council proceedings, have accepted the provisions hereof and declared the manner in which they wish the money disbursed; and said Indians upon removing from said Mille Lac Reservation shall be permitted to take up their residence and obtain allotments in severalty either on the White Earth Reservation or on any of the ceded Indian reservations in the State of Minnesota on which allotments are made to Indians.

The amendment was agreed to.

The next amendment was, on page 67, after line 5, to insert:

For paying the expenses of surveying and locating allotments heretofore made upon Net Lake Reservation, in the State of Minnesota, the sum of \$1,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 67, after line 9, to insert:

For payment of the balance due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians for supplies furnished said Indians at the request of the Indian farmer, as ascertained by the Secretary of the Interior, under the provisions of the Indian appropriation act approved June 10, 1898, as follows: H. B. Allen, \$24.14; Charles Gasper, \$1,049.46; J. A. Rene, \$44.91; James A. Wallace, \$252.68; Kelly & Moses, \$40.49; Mrs. James Peacha, \$116.85; James Peacha, \$186.12; Frank P. Thompson, \$964.51; A. H. Simmons, \$178.85; in all, \$2,856.11; said sums to be payable out of funds belonging to said Indians.

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to insert:

For payment to Jean Louis Legare, of the Dominion of Canada, in full compensation for services rendered and money expended in bringing into the United States and procuring the surrender of Sitting Bull and his followers, under the direction of the Secretary of War, \$8,000.

The amendment was agreed to.

Mr. CLARK of Wyoming. I ask if it is proper at this time to offer an amendment? I have one to offer which I wish to come in at this point.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the committee amendments were first to receive consideration.

Mr. CLARK of Wyoming. Very well.

The reading of the bill was resumed. The next amendment was, under the head of "Support of schools," on page 69, line 5, after the word "dollars," to strike out:

Superintendent's cottage, \$2,000; new laundry, \$3,000; extension of sewer, \$3,500; steam pumping plant, \$3,000; in all, \$40,050.

And insert:

Extension of sewer, \$3,500, to be immediately available; for enlarging the capacity of the school to 200 pupils by the erection of additional buildings and other improvements, \$20,000, to be immediately available; in all, \$52,050.

So as to make the clause read:

For the support and education of 150 Indian pupils at Chamberlain, S. Dak., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; extension of sewer, \$3,500, to be immediately available; for enlarging the capacity of the school to 200 pupils by the erection of additional buildings and other improvements, \$20,000, to be immediately available; in all, \$52,050.

The amendment was agreed to.

The next amendment was on page 70, after line 4, to strike out:

For support and education of 250 Indian pupils at the Indian school at Carson City, Nev., \$41,700; for pay of superintendent at said school, \$1,600; for general repairs and improvements, \$2,000; for hospital, \$3,000; for employees' building, \$4,000; in all, \$52,300.

And in lieu thereof to insert:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., \$50,100; for pay of superintendent at said school, \$1,700; for general repairs and improvements, \$3,000; for bath house and furnishings, \$1,500; for hospital, \$5,000; for employees' building, \$4,000; for a new school building, \$15,000; in all, \$80,300.

The amendment was agreed to.

The next amendment was, on page 71, line 2, after the word "additional," to strike out "building" and insert "buildings;" so as to make the clause read:

For support of 600 Indian pupils at the Indian school at Chillicothe, Okla., \$100,200; for pay of superintendent at said school, \$2,200; for general repairs and improvements, \$3,000; for addition to boys' dormitory, \$4,500; for additional buildings, \$40,000; improving steam plant, \$7,500; machine shop, \$2,000; in all, \$159,400.

The amendment was agreed to.

The next amendment was, on page 71, after line 6, to insert:

For the establishment of an Indian school in the county of Elko, State of Nevada, provided that a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a school plant upon the new site, \$60,000.

The amendment was agreed to.

The next amendment was, on page 71, line 18, after the word "dollars," to insert "to be immediately available;" and in line 22, after the word "boilers," to insert "and their installation;" so as to make the clause read:

For support and education of 375 Indian pupils at The Riggs Institute, Flandreau, S. Dak., \$62,625; for general repairs and improvements, \$3,500, to be immediately available; for pay of superintendent of said school, \$1,800; barn, \$5,000; for addition to workshops, \$1,000, to be immediately available; for new boilers and their installation, \$2,000; for dairy building and equipments, \$2,000; in all, \$77,925.

The amendment was agreed to.

The next amendment was, on page 71, after line 24, to insert:

For new buildings and other improvements at the Indian school at Fort Lewis, Colo., to be expended under the direction of the Secretary of the Interior, \$25,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 10, to insert:

For the improvement of the Indian school at Fort Shaw, in the State of Montana, by the erection and equipment of necessary buildings, improvements, water, and sewer systems, to be expended under the direction of the Secretary of the Interior, \$80,000.

The amendment was agreed to.

The next amendment was, on page 73, line 5, after the word "boilers," to insert "and so forth;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., \$50,100; for general repairs and improvements, \$5,000; for pay of su-

perintendent of said school, \$1,700; for boiler house and boilers, etc., \$10,000; in all, \$66,800.

The amendment was agreed to.

The next amendment was, on page 73, line 8, before the word "Indian," to strike out "one hundred and seventy-five" and insert "two hundred;" in line 11, before the word "dollars," to strike out "twenty-nine thousand two hundred and twenty-five" and insert "thirty-three thousand four hundred;" in line 12, before the word "hundred," to strike out "five" and insert "six," and in line 23, before the word "dollars," to strike out "fifty-four thousand seven hundred and twenty-five" and insert "fifty-nine thousand;" so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., \$33,400; for pay of superintendent at said school, \$1,000; for general repairs and improvements, \$3,500; for laundry, \$2,500; for improvement of water system, \$3,000; for improving the sewerage system, including purchase of land or rights of way, if necessary, \$10,000, or so much thereof as may be required: *Provided*, That the Secretary of the Interior shall thoroughly investigate sewer conditions at this school, and if deemed advisable maintain the present arrangements with such improvements as may be deemed essential; in all, \$59,000.

The amendment was agreed to.

The next amendment was, on page 74, line 18, after the word "Kansas," to strike out "for transportation of pupils to and from said school;" in line 19, before the word "thousand," to strike out "thirty" and insert "twenty-five;" in line 23, before the word "dollars," to strike out "five thousand" and insert "two thousand five hundred;" in line 23, before the word "thousand," to strike out "three" and insert "two;" and on page 75, line 5, before the word "hundred," to strike out "eighty-three thousand two" and insert "seventy-four thousand seven;" so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., \$125,250; for pay of superintendent at said school, \$2,000; for tile draining farm, \$2,500; for construction of cisterns, \$2,000; for boring deep wells, \$3,000; for general repairs and improvements, \$10,000; for the purchase of 328 acres of improved land, more or less, adjoining land now belonging to the United States, \$30,000, to be immediately available; in all, \$174,750.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to strike out:

For the support and education of 100 Indian pupils at the Indian school, Mandan, N. Dak., \$16,700; for pay of superintendent, \$1,200; for general repairs and minor improvements, \$500; in all, \$18,400.

The amendment was agreed to.

The next amendment was, on page 75, line 13, before the word "Morris," to insert "the Indian school at;" in the same line, after the word "Minnesota," to strike out "Indian School;" and in line 17, after the word "room," to insert "and so forth;" so as to make the clause read:

For the support and education of 150 Indian pupils at the Indian school at Morris, Minn., \$25,050; pay of superintendent, \$1,500; erection of barn, \$3,000; for remodeling building for dining room, etc., \$2,500; for general repairs and improvements, \$1,000, and for the purchase of 6 acres of land, more or less, for use of said school, \$550, to replace 6 acres of land, more or less, belonging to the United States and used for said school which the Secretary of the Interior is hereby authorized to sell; in all, \$33,600.

The amendment was agreed to.

The next amendment was, on page 77, line 8, before the word "thousand," to strike out "fifteen" and insert "ten;" and in line 9, before the word "thousand," to strike out "forty-two" and insert "thirty-seven;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Pipestone, Minn., \$25,050; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; for enlargement of boys' dormitory, \$10,000; in all, \$37,550.

The amendment was agreed to.

The next amendment was, on page 77, after line 9, to insert:

For support and education of 900 Indian pupils at the Puyallup Indian School, Puyallup Consolidated Agency, on the Puyallup Indian Reservation, Wash., \$50,100; for pay of superintendent of said school, \$1,500; for addition to the present school buildings and improvements in connection therewith so as to increase the capacity of the plant from 200 to 300 pupils, \$20,000, or so much thereof as may be necessary; in all, \$71,600.

The amendment was agreed to.

The next amendment was, on page 77, line 21, after the word "pupils," to insert "at the Indian school;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Rapid City, S. Dak., \$25,050, etc.

The amendment was agreed to.

The next amendment was, on page 78, line 19, after the word "sewerage," to insert "and drainage;" in line 20, after the word "dollars," to insert "to be immediately available;" in line 21, after the word "dollars," to insert "for the construction of a new brick dormitory suitable for the accommodation of 250 boys, \$30,000;" and in line 24, before the word "thousand," to strike out "four" and insert "thirty-four;" so as to make the clause read:

For support and education of 550 pupils at the Indian school, Salem, Oreg., \$91,850; for pay of superintendent at said school, \$1,800; for improvements to sewerage and drainage, \$6,000, to be immediately available; for general repairs and improvements, \$5,000; for the construction of a new brick dormitory suitable for the accommodation of 250 boys, \$30,000; in all, \$134,650.

The amendment was agreed to.

The next amendment was, on page 79, after line 20, to insert:

For enlargement and improvement of Hope Indian School at Springfield, S. Dak., and for enlargement of grounds for the use of the same, \$15,000.

The amendment was agreed to.

The next amendment was, on page 80, line 18, after the word "general," to insert "repairs and;" so as to make the clause read:

For support and education of 150 pupils at the Indian school at Truxton Canyon, Ariz., \$25,050; pay of superintendent, \$1,500; general repairs and improvements, \$4,000; in all, \$30,550.

The amendment was agreed to.

The next amendment was, on page 80, after line 20, to insert:

For the erection of an Indian training school on the Tulalip Reservation, Wash., \$30,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 82, line 2, before the word "exceeded," to strike out the following proviso:

Provided further, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

The amendment was agreed to.

Mr. JONES of Arkansas. Was it the understanding that individual amendments were to be offered to the bill after the reading was completed? I have an amendment that I desire to offer on page 82, and I want to reserve the right to do so.

Mr. STEWART. That will be in order after the committee amendments shall have been disposed of.

Mr. JONES of Arkansas. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 7, on page 85, line 12, after the word "decendent," to strike out "and if there be both adult and minor heirs, then the minor heirs may join in such sale and conveyance," and insert "but in case of minor heirs their interests shall be sold only;" in line 21, after the word "allottee," to insert:

And when, pursuant to any treaty or agreement with an Indian tribe, or pursuant to any act of Congress relating to Indian allotments, land has been or shall be allotted to a white person without Indian blood who is a citizen of the United States, final patent shall be issued to such white allottee without awaiting the expiration of the usual trust period, and he shall thereupon be authorized to sell or dispose of the land so allotted without restriction.

And on page 86, after the word "children," to insert:

Provided further, That any Indian over the age of 21 years to whom an allotment of land has been or shall hereafter be made may dispose of such land by will, subject to the conditions and limitations of such allotment and in accordance with the laws of the State or Territory in which such land is situate.

So as to make the section read:

SEC. 7. That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. And when, pursuant to any treaty or agreement with an Indian tribe, or pursuant to any act of Congress relating to Indian allotments, land has been or shall be allotted to a white person without Indian blood who is a citizen of the United States, final patent shall be issued to such white allottee without awaiting the expiration of the usual trust period, and he shall thereupon be authorized to sell or dispose of the land so allotted without restriction. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: *Provided*, That the sale herein provided for shall not apply to the homestead during the life of the father, mother, or the minority of any child or children: *Provided further*, That any Indian over the age of 21 years to whom an allotment of land has been or shall hereafter be made may dispose of such land by will, subject to the conditions and limitations of such allotment and in accordance with the laws of the State or Territory in which such land is situate.

The amendment was agreed to.

The next amendment was, on page 86, line 16, to strike out section 8, in the following words:

That the judge for the Indian Territory, appointed under the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," shall reside at Muskogee; and hold terms of court at all places of holding court within the boundaries of the Creek country and the Seminole country, and court shall be held at the places now provided by law in the northern district of the Indian Territory and at the towns of Okmulgee, in the Creek country, and the town of Sallisaw, in the Cherokee country.

And in lieu thereof to insert:

That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and that part of the Cherokee country lying west of the Arkansas River be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muskogee, Wagoner, Sapulpa, Wewoka, Eufaula, and Okmulgee. The judge appointed under the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," approved June 7, 1897, shall be the judge of said western district, and he is hereby authorized to appoint a clerk, who shall reside and keep his office at one of the places of holding court in said western district. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of

the Senate, a district attorney for said western district, and a United States marshal for the northern district. The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the town of Sallisaw, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern district, courts in that district shall also be held at Tishomingo and Ada.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. A committee amendment was passed over on page 49, which will now be stated.

Mr. STEWART. I think that amendment ought to be adopted. On further consultation with the Commissioner of Indian Affairs, I find that it is necessary to enable him to pay the clerks who were detailed to do this work in the Indian Office in this city.

The PRESIDENT pro tempore. The amendment which was passed over on page 49 will be stated.

The SECRETARY. On page 49, after line 22, the Committee on Indian Affairs reported to insert the following:

That the accounting officers of the Treasury Department are hereby authorized and directed to allow in the settlement of the accounts of the disbursing officers in charge of the warehouses for Indian supplies such sums as may have been disbursed by them during the fiscal years 1901 and 1902 in payments of clerks appointed to clerkships in such warehouses and detailed for duty in the office of the Commissioner of Indian Affairs in Washington, D. C.

Mr. GALLINGER. I should like to ask the Senator from Nevada to make a brief explanation of that amendment. I confess I do not understand it.

Mr. STEWART. The clerks referred to were detailed to duty in the office of the Commissioner of Indian Affairs in this city from the warehouses, and the Commissioner of Indian Affairs tells me there is some difficulty in passing the accounts for their payment in the Comptroller's office. This amendment does not amount to anything, as it is a mere matter of accounts, as I understand.

Mr. GALLINGER. If the Senator will excuse an interruption, I should like to ask if these clerks are in the classified service or simply detailed?

Mr. STEWART. They are in the classified service, I understand.

Mr. ALLISON. I understand that this amendment proposes to cure a difficulty that arises from the fact that these clerks were employed under the warehouse fund and were detailed to duty in the office of the Commissioner of Indian Affairs, whereas the fund contemplates that they should be employed elsewhere. The statute, which I have before me, authorizes the Commissioner of Indian Affairs to temporarily detail clerks from his office to the warehouses, and this amendment implies that the clerks were detailed from the warehouses to the Indian Office.

Mr. GALLINGER. A reversal.

Mr. ALLISON. Yes, a reversal, and so I do not quite understand it. It seems to me that those clerks should not be paid from this fund unless they are employed in the warehouses where the fund should be expended.

Mr. STEWART. It has been suggested that the clerks had to be brought here to close up the accounts. The Commissioner of Indian Affairs was compelled to bring those clerks here in order to have that work done.

Mr. ALLISON. The Commissioner of Indian Affairs could probably do that temporarily.

Mr. STEWART. Yes, sir.

Mr. ALLISON. But this appears to be a permanent purpose, outside of this fund.

Mr. STEWART. It was necessary that the clerks should be brought here in order to close up the accounts.

Mr. ALLISON. It seems to me that if this has been done, and it is necessary to cure it by this provision, we ought to provide that it shall not be done in the future. So I would suggest the insertion of a provision to the effect that "hereafter such details to the Indian Office are hereby prohibited."

Mr. STEWART. Very well.

Mr. PLATT of Connecticut. Will the Senator from Iowa read the provision of the law to which he has referred?

Mr. ALLISON. This is a general statute as to appropriations. It reads:

That no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall, after the 1st day of October next, be employed in any of the Executive Departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee

shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the 1st day of October next section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draftsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited.

If these clerks were here temporarily to perform their special duties, they would be paid under this statute; but if they are here permanently, I take it they could not be so paid, and this provision is intended to cure the difficulty which would be encountered from that statute.

Mr. STEWART. If the Senator from Iowa thinks an amendment is necessary to prevent difficulty in this case, I will accept it; but I understand the object of the employment of the clerks to be a temporary one merely, to close up the accounts; and if that be so, I think they can be paid under the existing law. I do not care about the matter particularly.

Mr. ALLISON. I should think they could, but I am not quite sure of it.

Mr. STEWART. But the Commissioner thinks that the clerks can not be paid without the adoption of the provision in the amendment reported by the committee.

Mr. PLATT of Connecticut. I was not present at the committee meeting when this amendment was inserted in the bill. I know nothing about the matter or the reason why it was inserted, but on looking at it I should suppose that the facts were these: That at the warehouses the clerks were appointed under some authority of law—

Mr. ALLISON. And to be paid out of an appropriation for that purpose.

Mr. PLATT of Connecticut. And to be paid out of an appropriation; and that those clerks, in order to close up their accounts, had to come to Washington—

Mr. STEWART. That is the way of it.

Mr. PLATT of Connecticut. And that some controversy has arisen between the Commissioner of Indian Affairs and the accounting officers of the Treasury, as questions very often do arise there, in which the accounting officers object to accounts. I do not suppose that those clerks have been detailed for permanent service in the Department here. The accounting officers may have thought that they stayed longer than was necessary, or something of that kind. I know nothing about the facts of the case, but I feel very sure—

Mr. ALLISON. I should say, if the Senator will allow me—

Mr. PLATT of Connecticut. I will after I finish this sentence. I feel very sure that the Commissioner of Indian Affairs would not attempt to get the permanent services of clerks in the Indian Office here in Washington by an improper detail, and I should not like to believe that he had done so.

Mr. ALLISON. I quite agree with the Senator.

Mr. PLATT of Connecticut. If the Senator from Iowa will permit me a moment, he knows how technical the accounting officers of the Treasury are at times. It is very possible that the detail of these clerks for temporary work in the Department has not been sufficiently stated to satisfy the proper accounting officer. I do not know what the facts are, but I suppose that is the case.

Mr. STEWART. The Senator from Iowa [Mr. ALLISON] has prepared an amendment which covers the case.

Mr. ALLISON. I suggest to the Senator from Nevada and the Senator from Connecticut that in line 6, on page 50, in the amendment of the committee, before the word "detailed," there should be inserted the word "temporarily;" so as to read:

In payment of clerks appointed to clerkships in such warehouses and temporarily detailed for duty in the office of the Commissioner of Indian Affairs in Washington, D. C.

Mr. STEWART. That is right.

Mr. PLATT of Connecticut. That, I think, will cover the difficulty.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

The SECRETARY. On page 50, after line 22, the committee propose to insert:

That the Secretary of the Interior, with the consent thereto of the majority of the adult male Indians of the Uintah and the White River tribes of Ute

Indians, to be ascertained as soon as practicable by an inspector, shall cause to be allotted to each head of a family 80 acres of agricultural land which can be irrigated and 40 acres of such land to each other member of said tribes, said allotments to be made prior to October 1, 1903, on which date all the unallotted lands within said reservation shall be restored to the public domain: *Provided*, That persons entering any of said land under the homestead law shall pay therefor at the rate of \$1.25 per acre: *And provided further*, That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have the preferential right to locate under the mining laws not to exceed 640 acres of contiguous mineral land, except the Raven Mining Company, which may locate 100 mining claims of the character of mineral mentioned in its lease; and the proceeds of the sale of the lands so restored to the public domain shall be applied, first, to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions, and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians. And the sum of \$70,064.48 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Uintah and the White River tribes of Ute Indians, under the direction of the Secretary of the Interior, to be immediately available.

Mr. STEWART. The Senator from Utah [Mr. RAWLINS] has an amendment to that amendment, which he desires to offer in pursuance of suggestions made here.

Mr. RAWLINS. I offer the amendment which I send to the Secretary's desk, to come in after line 10 of the amendment of the committee, on page 52.

The PRESIDENT pro tempore. The amendment of the Senator from Utah [Mr. RAWLINS] to the amendment of the committee will be stated.

The SECRETARY. At the end of the committee amendment on page 52, line 10, it is proposed to insert:

Said item of \$7,064.48 to be paid to the Uintah and White River Utes to cover claims which these Indians have made on account of the allotment of lands on the Uintah Reservation to Uncompahgre Indians and for which the Government has received from said Uncompahgre Indians money aggregating \$90,064.48, and the remaining \$10,000 claimed by the Indians under an act of Congress detaching a small part of the reservation on the east and under which act the proceeds of the sale of the lands were to be applied for the benefit of the Indians. This amount to be advanced as a compromise in settlement of these claims and to remove all objection of the Indians to taking allotments and the opening of said reservation.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Utah [Mr. RAWLINS] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. HANSBROUGH. I offer an amendment—

Mr. STEWART. I hope the Senator will wait until the committee amendments have been disposed of.

Mr. HANSBROUGH. I supposed the committee amendments had been disposed of.

Mr. STEWART. No; and we have not disposed of the pending amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

The SECRETARY. On page 63, after line 23, the Committee on Indian Affairs reported an amendment to insert the following:

For payment to the Chippewa Indians of Minnesota entitled thereto, under such regulations as the Secretary of the Interior may prescribe, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on ceded Indian lands under the act of June 7, 1897 (30 Stats., p. 90).

Mr. CLAPP. In regard to that clause I would suggest, after the word "as," in line 25, to strike out the word "he" and insert "the Secretary of the Interior;" and then, at the end of the provision in line 5 on page 63, to avoid any question, I would suggest adding these words: "and which money is hereby appropriated for said purpose." Then there can be no question about it.

The PRESIDENT pro tempore. The first amendment stated by the Senator from Minnesota has already been agreed to.

Mr. CLAPP. I did not know that.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 63, line 5, of the amendment of the committee, after the word "ninety," it is proposed to insert "and which money is hereby appropriated for said purpose."

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

Mr. LODGE. Is that the amendment on page 63?

The PRESIDENT pro tempore. It is the amendment on page 63, commencing in line 6, which will be stated.

The SECRETARY. The Committee on Indian Affairs propose to insert on page 63, after line 5, the following:

For payment to the trustee or executor or administrator of the estate of Eli Ayres, deceased, the sum of \$155,200, the same being the amount of the purchase money paid by the said Eli Ayres in his lifetime, for 134 sections of land situate in the State of Mississippi, at \$1.25 per acre, the price agreed upon, to the Chickasaw reserves, the owners in fee of said lands, under and by virtue of the treaty made by the United States with the Chickasaw Indians in 1834, upon the sale and conveyance to the said Eli Ayres by said reserves of said lands in conformity with the requirements of said treaty, and which said lands were subsequently appropriated, sold, and disposed of by the Government of the United States without authority of law and without regard to the rights acquired by said Eli Ayres by virtue of said purchase in and to said lands, and with knowledge of the fact that said Indian grantors of said Ayres had already sold and deeded said lands to him under the terms of said treaty: *Provided*, That such payment, when made, shall operate as a settlement in full between the said representatives of the estate of said Eli Ayres and the United States, and shall further operate to forever quiet all such land titles in the State of Mississippi conveyed to the said Ayres affected by reason of the premises. (Reimbursable.)

Mr. LODGE. The Senator from Connecticut [Mr. PLATT] made a point of order on that amendment under clause 4 of Rule XVI, that it was an amendment carrying a private claim, and not called for by the provisions of any existing law or the stipulations of any treaty.

The PRESIDENT pro tempore. The point of order has already been made?

Mr. LODGE. Yes; the point of order was made by the Senator from Connecticut yesterday when I had the honor of occupying the chair.

Mr. STEWART. I doubt whether that point of order is well taken. The amendment is for the disposition of Indian funds that are in the Treasury—putting them where they properly ought to be.

The PRESIDENT pro tempore. Is the payment provided for by law or is it contained in any treaty stipulation?

Mr. STEWART. It grows out of a treaty stipulation.

Mr. LODGE. Mr. President, if I may say a word on that point, I will say that I took occasion to examine the treaty yesterday, and there is absolutely no treaty stipulation for the payment of a claim of this character. The treaty referred to in the amendment is a treaty with the Chickasaw Indians for the regulation of certain land claims bought as lands of the Indians, which claims the United States subsequently sold and received the money therefor. It is a question between the claimant and the United States. There is no stipulation in that treaty to pay this claimant or any other claimant.

Mr. MONEY. Mr. President, has any Senator got the floor?

The PRESIDENT pro tempore. On the point of order?

Mr. MONEY. Yes, sir.

The PRESIDENT pro tempore. The Chair will hear the Senator from Mississippi.

Mr. MONEY. Has the Chair decided the point of order?

The PRESIDENT pro tempore. The Chair has not.

Mr. MONEY. Mr. President, this is an amendment which was taken from a bill to quiet title to certain lands in Mississippi, and in that point of view I think it is not amenable to the objection made to it on the point of order. With all due deference to the Senator from Massachusetts [Mr. LODGE], the provision does arise out of treaty stipulations with the Chickasaw Indians, made in 1832 and 1834, under which those Indians were permitted to retain their residence in Mississippi and to have a reservation of 640 acres of land and to dispose of that. In the treaty of 1834 there was made a deed in fee to those Indians. This purchase was made in 1829 under this power granted by the treaty.

I will say that the supreme court of Mississippi and the Supreme Court of the United States have decided this point. It was in a case in which the claimant for the money paid out got a power of attorney from the Indians concerned. It is reported in the Mississippi reports, and I believe in 18 Wallace, United States Reports, and this very point was decided, that these Indians had a right in fee to these lands; that their right to grant and convey was perfect; that the Chickasaw Indians in the tribe had no right to the land, and that the United States had no right to the land; that it was the property in fee of these Indians, and that they had a right to dispose of it.

Now, the deed was not perfected by the signature of the President, because under a misconstruction of the law the officers of the Interior Department did not present it, but refused to present the deed to him.

I do not care to argue at this time the merits of the case, but upon the point of order it seems to me clear that this is a matter which can be carried on the pending bill, because it is to settle a tax title to a large quantity of land, amounting to 150 sections of land in the State of Mississippi.

Mr. PLATT of Connecticut. Mr. President, I do not wish to discuss this claim on its merits, because if it is to be discussed on its merits it will take a good deal of time; but on the point of order the facts are just these: Under the treaty mentioned there, made with the Chickasaw Indians, they had a right to select

some lands in the State of Mississippi; that they did go forward and make the selections, and that certain of the Indians, after having made the selections, sold, as it is claimed, lands to Eli Ayres; that the Government afterwards, not recognizing the rights of the Indians, sold the lands as belonging to the Government, and what this claim is for is to have the United States pay to the representatives of Eli Ayres the money which it got for these lands. It is a private claim on the part of Eli Ayres and his descendants against the United States for having sold lands which they claim belonged to Eli Ayres. It has nothing to do with a treaty at all.

Mr. STEWART. It is a little different from that. When the lands were sold the money was covered into the Treasury and kept as a distinct fund, and interest has been paid on it for the benefit of the Indians—\$58,000. It has paid interest on it up to date. The Indians have received their pay for the land, as they acknowledge. They are not entitled to it. Still the interest has been paid to them all this time. It seems to me it is not quite an ordinary claim.

Mr. TELLER. Mr. President, this case rests upon the failure of the Government of the United States to carry out a treaty which it made with the Indians. The Government of the United States agreed that certain Indians might select land, and it made a grant to those Indians, so the Supreme Court said; not a contract to make a deed, but made a grant. These Indians selected the land, and sold the land to Mr. Ayres. He complied with every provision of the law that had been laid down and was thereupon entitled to a deed from the Indians, to be approved by the President of the United States, which the treaty required to make it valid.

The authorities declined afterwards to approve, and so the title did not pass out of the Indians into their grantee, Mr. Ayres, but remained in the Indians, and not as the Senator from Connecticut says, that it was supposed to remain in the United States. The Government of the United States insisted that it did not belong to the individual Indians, but belonged to the tribe, and thereupon sold the greater portion of it at auction for sums of all sorts, amounting to less than a third of what Mr. Ayres had paid for the property, and turned the money into the Treasury, not as its property, but into the Treasury as the property of the Indians, and proceeded to invest it at 5 per cent interest.

Mr. Ayres, unable to get a deed carrying to him the title, prosecuted two cases in the name of his grantors (Indians) in the State of Mississippi, and the supreme court of Mississippi sustained Ayres's title. Another case came to the United States Supreme Court—*Best v. Polk*, 18 Wallace—which Judge Davis decided, and he decided first that the treaty created, when it was approved, a grant to the Indians, not a contract for a title, but absolute title in the Indians, and that they had a right to sell. He decided also that Mr. Ayres had complied with every requirement of the treaty and that Mr. Ayres was entitled to the approval of the deed by the President of the United States, which would have conveyed all of the Indian title to Mr. Ayres.

Mr. PLATT of Connecticut. I do not see how the court could have decided that Mr. Ayres complied with any provision of the treaty. He simply bought from the Indians. He had nothing to do in order to complete his title.

Mr. TELLER. The Senator does not know as much about this case as I do.

Mr. PLATT of Connecticut. Perhaps not. I think I do, however.

Mr. TELLER. The Senator is very ignorant of the facts, judging from his statement, at least.

Mr. PLATT of Connecticut. Or the Senator from Colorado is if he differs with me.

Mr. TELLER. The treaty provided certain steps to be taken before the Indians could part with the title. The court held that the Indians and Mr. Ayres had taken every step required, and that all that remained to be done was that the President should approve the deed, which was necessary to make it a valid deed. So in equity Mr. Ayres was the owner of the property, but not in law.

Mr. PLATT of Connecticut. But, Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I want this little difference between the Senator from Colorado and myself understood. I do not think we shall disagree. The Senator said that Mr. Ayres had complied with the provisions of the treaty which were necessary to perfect the title.

Mr. TELLER. He did. I say so now.

Mr. PLATT of Connecticut. He had nothing to do with perfecting the title. He purchased of the Indians. The Senator now says that the Indians of whom Mr. Ayres purchased did everything that was necessary to complete the title.

Mr. TELLER. The Senator is sticking in the bark.

Mr. PLATT of Connecticut. Not at all.

Mr. TELLER. That is all it is. Mr. Ayres had certain things to do. He had to pay for the land. He had to pay an amount that two men, who were designated out of a certain number, would agree was a proper payment. Then the Indians had to sign and do certain things, and Judge Davis held that everything had been done, that there was nothing further to be done, except for the President to approve the deed, and that it was obligatory on the President to approve the deed. The President never did approve the deed. He has not approved it yet.

Thereupon in one of the cases the Government having sold the land, Congress provided by an appropriation for the payment to the man who got the land under a patent of the United States for the loss of the land, leaving the land of course in the Indians, where it is still subsisting, so far as I know, although I believe in point of fact the white man who had the invalid patent stayed on there and still holds it. I have been told so. I do not know whether that is a fact or not.

Here is a case where a citizen of the United States invested \$155,200. That is in proof. There is nothing to the contrary unless somebody will get up here and say that he did not, and he can not back it up by a single particle of proof, because the testimony is ample that he did pay it; that the Indians made the deed; that they were the owners in fee, but incapable under their condition of making a title except with the approval of the President, which they could not get; and Mr. Ayres, now dead, and his heirs have been kept out of this property since 1839, and they have been here ever since trying to get some relief. Of course during the war there was a time when this proceeding was suspended. But every report ever made declares that this man has been guilty of no laches, and there have been four reports made in the other branch of Congress in his favor and four in this. The Commissioner of Indian Affairs in 1882 or 1883 reported in his favor. The Secretary of the Interior at that time approved also of the finding.

The controversy between the Senator from Connecticut and the committee is this: The Senator says Mr. Ayres ought to have fifty-eight thousand and some odd dollars which the Government received for the sale of a portion of his land.

Mr. PLATT of Connecticut. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I do not admit that he ought to have that, but I did at one time agree that if the amount were limited to that sum, I would consent to it to settle and get the claim out of the way; to compose it.

Mr. TELLER. The Government repudiated the purchase, not upon the ground that it was not made in good faith, for every branch of the Government which has dealt with the question has declared that it was made in good faith. There are two reports from the Commissioner of Indian Affairs that it was made in good faith. But it was upon the ground that these reservees were not entitled to take the land. The Supreme Court, absolutely without any qualification, held that they were entitled to take it. They settled that question, and the property was theirs.

Mr. JONES of Arkansas. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. JONES of Arkansas. Did the Supreme Court hold that these reservees were entitled to it?

Mr. TELLER. They did.

Mr. JONES of Arkansas. In the case of *Best v. Polk*?

Mr. TELLER. Yes; and the other case escapes me for the moment.

Mr. JONES of Arkansas. That was not this particular case, but a different case altogether, was it not?

Mr. TELLER. Not at all. It was these two Indians who made their title good, and the Commission which was authorized to determine who was entitled to this land held that these two who made good their title were, and that all the others, in fact, stood on the same ground.

Mr. PLATT of Connecticut. I do not think that appears from the decision of the Supreme Court in the case of *Best v. Polk*.

Mr. TELLER. I say positively that it does.

Mr. PLATT of Connecticut. I have just had it here and read it, and if the Senator will read it, he will see that the evidence was excluded. There is nothing in that case to show whether they were the parties who had been found by the Chickasaws to be entitled or whether they were not, as I read the case.

Mr. TELLER. But they determined that the Commission had a right to settle that question, and that that finding had never been set aside, and that they had not any right to set it aside. Thereupon the Government assumed to sell a hundred and forty-odd pieces of this land, and it received at public sale \$38,000. I could give the exact amount, and will if we debate the question on its merits. It received the money into the Treasury, selling

the property, as I say, for a third of what Mr. Ayres had paid for it, according to the evidence, and probably selling it for very, very much less than it was worth, even if they had sold it for what he had paid for it, for it was worth even more.

Mr. BURTON. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. BURTON. Can the Senator tell us why the money was paid before the purchaser obtained the deed?

Mr. TELLER. The Supreme Court said he had to pay the money before he could get the deed. The President would not approve the deed until the money had been paid. You will find that in the case if you will look it over.

Mr. BURTON. Then, after it was paid, he refused to approve it?

Mr. TELLER. Then, after it was paid, the President refused. I say the President. Of course, it was then in the War Department, and the War Department refused. That is the truth about it.

Mr. MONEY. I will ask the Senator if the President ever had an opportunity to sign the deed—whether he was ever afforded by the Department an opportunity?

Mr. TELLER. No; I suppose the War Department never presented it. The Secretary of War in those days acted as Secretary of the Interior. Perhaps it never was presented to the President, but he never did approve it, and it was his duty to do it, the court said. The Commissioner of Indian Affairs, Mr. Price, who was a careful man, reported in favor of the whole claim. I approved of his finding as Secretary of the Interior. So I have had some acquaintance with this claim, and as a member of the Committee on Claims I have reported it at this session of the Senate for \$155,200. The \$58,000 was reported, I suppose, upon the theory that the Government had got that money, and therefore the Government could not lose anything if it paid it back, but totally ignoring what the Secretary of the Interior and the Commissioner of Indian Affairs found in 1882 or 1883. But if he is entitled to that money, he is entitled also to the interest on it which the Government has been getting, which would make the claim \$60,000 more than the present report makes it.

I merely desired to debate this matter far enough to show whether this is not one of those cases that fall within the rule of carrying out a treaty; whether it does not arise out of a treaty stipulation, and so is outside of the Senate rule. It seems to me it does. While it has been before the Committee on Claims, it is a proper case for the committee, if it sees fit, to take jurisdiction of, which it has done. It seems to me it is close enough to that principle that it is entitled to remain upon this bill, and that it is not amenable to the objection made by the Senator from Connecticut or the Senator from Massachusetts, whichever it may be, that it is a purely private claim. It is a claim arising as clearly out of a treaty as any claim can possibly arise, it seems to me.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. The Chair is ready to rule. He will hear the Senator from North Dakota, however.

Mr. McCUMBER. I wish to understand what is the objection. I did not hear the point of order that was raised.

Mr. STEWART. That it is a private claim.

Mr. McCUMBER. I simply wish to know what is the point of order raised by the Senator from Massachusetts.

Mr. LODGE. The point of order I made was that, under clause 4 of Rule XVI, this is an amendment the object of which is to provide for a private claim. The rule provides:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

This does neither.

Mr. McCUMBER. Mr. President, if the statement made by the Senator from Connecticut [Mr. PLATT] is correct, that the Government sold land belonging to Eli Ayres and this claim is based upon that, I can see the connection of the objection to the matter. But that is not a correct statement. Eli Ayres had no title to those lands. All he had was an inchoate right, one which might be prosecuted for the purpose of securing specific performance and nothing more. Now, to whom did the land belong? To the Indians, as already held by the Supreme Court of the United States. How did they get it? They got it under a treaty. So the title of the Indians is a treaty title. The Government turned around and sold the property, belonging to the Indians, which they obtained under a specific treaty.

Mr. LODGE. This is not an Indian claim.

Mr. McCUMBER. The claim may not be an Indian claim, but the person who has the right to receive the money, a mere equitable right, is Mr. Ayres, simply because the Indians had been paid, and the Government has so ruled.

Mr. QUARLES. Mr. President, I wish to call the attention of

the Chair for a moment to a view which perhaps has not been discussed. The question raised by the point of order, as it seems to me, is whether this provision of the appropriation bill is to carry out the provisions of an existing law. That is all there is of it. What was the law? In 1834 Congress passed an act in behalf of the Chickasaw Indians. There were just two propositions in that act—first, that those Chickasaws should have a title; second, that they should have the right to alienate that title just as a white man might. Those are the two propositions.

Suppose, sir, that instead of the claim being in favor of Eli Ayres, it were in favor of a Chickasaw Indian who had title by virtue of that act, and the Government of the United States had taken that land, contrary to its engagement, and converted it into money, and this were an appropriation to that Chickasaw Indian for the proceeds of the land. Would the point of order lie, Mr. President? Would not the claim of the Chickasaw Indian here rest down upon that act, and would it not be in accordance with existing law to pay him the proceeds of that land? Can there be any doubt about it? His right is bottomed on that statute, an existing law, and could you raise a point of order against the Chickasaw? Manifestly not. Let us see.

That statute not only conferred title on the Chickasaw, but it conferred upon him the right of alienation, just as sacred a right as the other, and we are just as much bound to preserve it. He did alienate, pursuant to that statute, to Eli Ayres, and therefore, if you admit the second proposition I make, namely, the right of the Chickasaw to alienate, Eli Ayres stands here, by virtue of existing law, precisely where the Indian would stand by virtue of existing law, by virtue of the enactment which says that the Chickasaw may alienate to Eli Ayres, and when you interrupt or interfere with that right you are in contravention of existing law.

Now, Mr. President, the principle of equity everywhere recognized is that wherever land is sold and a fund is created the parties who have an equity to the land have the same equity to the fund. In equity the fund takes the place of the land, and the same rights and the same equities exist to the fund that would exist to the land. Here is this fund, which represents that land. Eli Ayres's claim to it is just as good as if it still remained in the form of land. Therefore it seems to me there is a construction of the fourth proposition of Rule XVI which will well enable the presiding officer to rule that this amendment to the appropriation bill is a recognition of the original Chickasaw's right, of his right to alienate, and that Eli Ayres, standing here as the representative of the Chickasaw, is clothed with the same right under existing law that the original Chickasaw would have, and that when you pay Eli Ayres you are carrying out and effectuating an existing law.

Mr. ALDRICH. Mr. President, I think the Senator from Wisconsin misapprehends the rule. He may be correct in his statement of what the law provides, but he misapprehends evidently the purpose of the rule. When the rule says that appropriations must be to carry out existing law, it means an existing law which provides for an appropriation and not as to the rights of parties at all. Certainly that act could not be construed to authorize an appropriation to be made to pay somebody who may have bought lands either from Indians or anybody else or to repay any man. The existing law must provide for the payment which is to be carried out by an appropriation. It has no reference whatever to the suggestion made by the Senator from Wisconsin.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. TURNER. Are amendments now in order?

The PRESIDENT pro tempore. Under the unanimous-consent agreement the amendments of the committee were first to be disposed of. Are there any other committee amendments that were passed over?

Mr. STEWART. There are not.

The PRESIDENT pro tempore. The Senator from Washington is in order with his amendment. The amendment will be read.

The SECRETARY. Insert on page 58, at the end of line 16:

That the mineral lands only in the Spokane Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose, or by any school, shall not be subject to entry under this provision.

Mr. STEWART. The committee have examined that amendment and are in favor of it.

The amendment was agreed to.

Mr. TURNER. I submit the following letter from the Commissioner of Indian Affairs, in explanation of the amendment just agreed to:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 5, 1902.

SIR: Referring to the proposed amendment to the Indian appropriation bill opening for mineral entry Spokane Indian Reservation, in the State of Washington, under the laws of the United States, provided that lands allotted

to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under such provision, I will state that the office has no objection whatever to this amendment.

Respectfully,

W. A. JONES, Commissioner.

HON. GEORGE TURNER,
United States Senate.

Mr. CLARK of Wyoming. On page 68, at the end of line 9, I move to insert:

That the proviso to the act of August 15, 1894 (28 Stat., 295), permitting the sale of allotted lands by members of the Citizens' Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma, as enlarged by the act of May 31, 1900 (31 Stat., 247), is hereby extended to the Wyandotte Indians of Indian Territory who were given allotments under the act of February 8, 1887 (24 Stat., 388), and to their heirs; and all conveyances under this act shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

Mr. JONES of Arkansas. After the word "exceeded," in line 2, page 82, I move to insert the following proviso:

That rations shall not be withheld from any Indians by reason only of attendance at any other than a Government school.

Mr. LODGE. Mr. President, I make a point of order on that amendment. It is general legislation.

Mr. JONES of Arkansas. Mr. President, the paragraph under consideration is one providing for the support of Indian schools. The Government in acquiring the territory from Indians on more than half of these reservations stipulated as one of the conditions on which the land was to be transferred to the United States and given up by the Indians that the Indian children should be educated and that rations should be issued to the members of the tribe. There were other provisions. I will not take the time to read them. I could read a dozen of them, but there is no question about that being the case. This amendment is to carry out treaty stipulations making provision that rations shall be issued to these children.

Some time last year the Commissioner of Indian Affairs reversed the action of the Department in this matter. Up to that time the ruling had been that whenever under the treaty agreements any Indians on a reservation were entitled to rations, by reason of the fact of their being in a contract school or a private school, they were not deprived of their right to those rations; that they were entitled to the rations under the treaty, and their going to a school on the reservation did not deprive them of any rights they had, if they were outside of a Government school and on the reservation. The Commissioner made a ruling last summer in which he held that while the Indians might be entitled, under the treaty, to rations, and draw their rations as members of the tribe on the reservation, if they attended a contract school by reason of that fact they should not be entitled to rations.

It seems to me that it is an arbitrary ruling directly in violation of the law. If there is an obligation on the part of the Government to supply these people with rations, the fact that they prefer to go to a private school instead of going to a Government school should not deprive them of the right to have rations. That is the whole case in a nutshell.

Mr. LODGE. Mr. President, this is a revival in a modified form of the appropriation to the contract schools. It is proposed to be delivered in the form of rations. That whole subject has been debated here at great length and Congress arrived at a decision. The whole system of appropriating for contract schools was abolished after elaborate discussion, and abolished gradually during a period extending over five or six years. If we do this, we return to the old general legislation, and we change the existing law in regard to the schools. It is not estimated for, not provided for, and not reported by any committee. It seems to me that it is clearly obnoxious to the point of order.

Mr. JONES of Arkansas. The Senator from Massachusetts does not seem to get the point. I read a paragraph from the agreement with the Sioux of North Dakota and the Northern Cheyenne of Montana:

In consideration of the foregoing cession of territory * * * the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; * * * to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef, etc., * * * such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall in all cases be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians no rations shall be issued for children between the ages of 6 and 14 years * * * unless said children shall regularly attend school.

The effect of the amendment as I offer it is to allow children who are attending private schools to draw the rations that they would be entitled to receive if they were not attending the schools; that is all. The Commissioner of Indian Affairs has no right to visit a punishment upon an Indian because he chooses to attend a private school instead of going to a Government school. He has no moral right or any other right to do it.

I do not think the point made by the Senator from Massachusetts is good at all. This is not an appropriation for the support of contract schools. It is simply a proposition to carry out the

Government obligation to furnish rations to these Indians where the treaties require that rations shall be supplied.

Mr. STEWART. This matter is very fully set forth in the opinion of the Attorney-General, and as it will take only a few minutes, I send it to the desk and ask that it be read, so that the Senate may understand exactly what is involved in the amendment.

Mr. GALLINGER. The Attorney-General does not discuss the point of order, I suppose.

Mr. PLATT of Connecticut. He states what the law is.

Mr. STEWART. I can wait until the point of order has been passed upon before it is read.

The PRESIDENT pro tempore. The Chair believes that the amendment is general legislation and subject to the point of order.

Mr. STEWART. Then that is the end of it.

Mr. PLATT of Connecticut. Let the opinion of the Attorney-General go into the RECORD.

Mr. STEWART. Very well, let it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection it will be printed in the RECORD.

The opinion referred to is as follows:

FEBRUARY 10, 1902.

The PRESIDENT.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo inclosing communications addressed to the honorable the Secretary of the Interior by the Commissioner of Indian Affairs, with reference to an application by the Rt. Rev. William H. Hare, missionary bishop of the Episcopal Church, in which Bishop Hare requests that the Interior Department distribute the rations and annuities for Indian children of the Sioux tribe through the mission schools of his church, when the children are in the care of these schools. The Commissioner of Indian Affairs, for reasons which are fully set forth in his communication of January 6, 1902, has declined to grant this application, and you request my opinion as to whether "the position of the Interior Department in this matter is correct."

These annuities and rations are, at the present time, paid to Indians of the Sioux tribe under the appropriation bill of March 3, 1901 (31 Stat. L., 1069), by which it is provided as follows:

"For subsistence of the Sioux and for purposes of their civilization, as per agreement, ratified by act of Congress approved February 28, 1877, \$900,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed when practicable. *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account."

It thus appears that the appropriation in question is made in execution of an agreement with the Sioux Indians which was ratified by act of Congress approved February 28, 1877 (19 Stat. L., 254).

A reference to the agreement which was thus ratified discloses the following obligation on the part of the Government in the matter:

"ARTICLE 5. In consideration of the foregoing cession of territory and rights and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868; also to provide the said Indians with subsistence consisting of a ration: *r* each individual of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour, and one-half pound of corn; and for every 100 rations, 4 pounds of coffee, 8 pounds of sugar, and 3 pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs. Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of 6 and 14 years (the sick and infirm excepted) unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick, and infirm excepted); and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such supplies, as far as may be required, for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservation."

It is apparent, therefore, that the character of the rations to be distributed is left to the discretion of the Commissioner of Indian Affairs, with the qualification that no rations shall be issued for children between certain ages unless they regularly attend a Government school, where such is provided, and further, that the family shall be treated as a unit for the purposes of distribution, and the rations or the equivalent thereof shall be issued to the head of such families. Congress has furthermore provided in the act of June 7, 1897 (30 Stat. L., 79) that it is "the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school," and by the act of March 1, 1899 (30 Stat. L., 942), contracts were authorized with sectarian schools at places where nonsectarian schools can not be provided for Indian children, and after providing for an equitable division of such appropriations between schools of the different denominations, Congress adds: "This being the final appropriation for sectarian schools." While these provisions may only refer to direct appropriations to sectarian schools, yet the issuance of rations to them for the benefit of Indian children in their care would certainly offend the spirit of the acts of Congress last cited, for in saving the necessary expense of maintenance it would have the beneficial effect of a direct appropriation. I am therefore of opinion that the Commissioner of Indian Affairs, who must respect the settled policy of the Government as thus declared by Congress, has no authority to grant Bishop Hare's application.

I have the honor to remain, very respectfully,

P. C. KNOX, Attorney-General.

Mr. HANSBROUGH. On page 72, line 23, after the word "necessary," I move to insert:

For heating system, \$10,000, in addition to the \$5,000 and \$10,000 heretofore appropriated, which are reappropriated, and all made immediately available;

for electric-light plant, \$200, in addition to the \$1,800 and \$1,200 heretofore appropriated, and now reappropriated, all of the amounts hereby appropriated for steam-heating system and electric-light plant to be immediately available.

Mr. STEWART. I have no objection to that amendment.

Mr. HANSBROUGH. It is a mere reappropriation of the amount.

Mr. STEWART. So I understand.

The PRESIDENT pro tempore. What did the Senator from Nevada say?

Mr. STEWART. I say I have no objection to this amendment.

The PRESIDENT pro tempore. The total amount will have to be changed.

Mr. HANSBROUGH. I will move an amendment changing the total.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

Mr. HANSBROUGH. On page 72, line 23, it will be necessary to change the total amount to \$89,000 instead of \$60,800, so as to include the money reappropriated.

The SECRETARY. In line 23, before the word "dollars," strike out "sixty thousand eight hundred" and insert "eighty-nine thousand."

The amendment was agreed to.

Mr. HANSBROUGH. In connection with this amendment I desire to have inserted in the RECORD a communication from the Commissioner of Indian Affairs covering the argument in favor of the amendment.

The PRESIDENT pro tempore. Without objection, leave is granted.

The communication referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 3, 1902.

SIR: In the Indian appropriation act for the fiscal year 1900 there were appropriated for the Fort Totten Indian School, North Dakota, for steam-heating system \$5,000, for electric-light plant \$1,800, and in the appropriation act for the fiscal year 1901 there were appropriated for steam heating \$10,000, this to be in addition to the sum of \$5,000 heretofore appropriated for the purpose, which sum was reappropriated, and for a lighting plant \$1,200, this being in addition to the sum of \$1,800 heretofore appropriated for such purpose, which sum was reappropriated, making total amount for steam heating \$15,000 and for electric-light plant \$3,000. There has been great difficulty, as you are aware, in getting the necessary plans and specifications drawn for the utilization of these two amounts, and bids were opened, after proper advertisement, in this office on January 24, 1902.

The lowest bid for the electric-light plant was \$3,175, and for the steam-heating system \$24,208. The same party bidding on steam heating bid \$3,840 for electric light, but if awarded both contracts would do the entire job for \$30,700. As will be noticed, the combined bid includes the electric light at \$3,840, which is out of all reason as compared with the lowest bid—\$3,175. As you are aware, Fort Totten School is an abandoned military post consisting of a number of brick buildings erected around a quadrangle. To successfully heat this plant is a most difficult undertaking. However, in view of the cheapness of coal in that section of the country, after being once installed the cost of maintenance would be practically much lighter than it is at present, with the numberless stoves and danger from fire. From the investigations of this office it has developed that a heating plant for the Fort Totten School can not be successfully installed for the amount of the appropriation—\$15,000—and if the original ideas in reference to this matter are to be carried out it seems necessary to secure an additional appropriation for this purpose. It is believed that if the appropriation could be made to read: "Ten thousand dollars for a heating system, in addition to the \$5,000 and \$10,000 heretofore appropriated, which are reappropriated and all made immediately available; and also \$200 for electric-light plant, in addition to the \$1,800 and \$1,200 heretofore appropriated, and now reappropriated, all of which to be immediately available"

the proper systems of heating and lighting could be secured for this school. I desire to say that the prospects of success for the Fort Totten School were never brighter than at present. This school is filled beyond the limit of its capacity. Under the present superintendent, who has had the hearty cooperation of the agent, there has been no difficulty in securing a full attendance of the Indians of Devils Lake and Turtle Mountain for this Fort Totten School. It is the only school in North Dakota.

All bids for electric light and steam heating have been rejected, and therefore nothing further can be done, and the appropriations must lapse into the Treasury unless you deem it advisable to secure the additional appropriations as above set out.

Very respectfully,

W. A. JONES,
Commissioner.

Hon. H. C. HANSBROUGH,
United States Senate.

Mr. PLATT of Connecticut. I suggest that it is not necessary to include the amount reappropriated in the total amount.

Mr. HANSBROUGH. It, however, would be covered into the Treasury if it is not used.

Mr. PLATT of Connecticut. But my point is that it does not seem to be necessary or proper to put the amount reappropriated into the total which is appropriated.

Mr. HANSBROUGH. I do not insist upon it at all.

The PRESIDENT pro tempore. What would be the total, then, without the amount reappropriated?

Mr. HANSBROUGH. It would be \$71,000.

The PRESIDENT pro tempore. The amendment as modified will be agreed to in the absence of objection.

Mr. HANSBROUGH. Now, Mr. President, I have another amendment here, which carries no appropriation and simply provides for the construction of a bridge.

The PRESIDENT pro tempore. The amendment will be read.
The SECRETARY. Insert the following at the end of the bill:

The Secretary of the Interior is hereby authorized, in his discretion, to permit the construction of a free bridge to span the narrows of Devils Lake, in the State of North Dakota, at the point on the south shore of Devils Lake 63 chains and 70 links due north and 33 chains and 30 links due west of the southeast corner of section 23 in township 132 north, of range 63 west, of the fifth principal meridian. If said bridge shall abut on an Indian allotment, the consent of the allottee shall first be obtained. The Secretary may also authorize the taking of stone from the shores of the lake on the reservation side in the construction of the said bridge.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JONES of Arkansas. What is the purpose of the amendment? It seems to me that if a bridge ought to be provided for it should be done in a separate bill. Certainly there ought to be some explanation, showing the necessity for it.

Mr. HANSBROUGH. The amendment simply authorizes the Secretary to allow a bridge to be constructed which abuts on an Indian reservation. It is in the precise language of an amendment on the same subject which I had put in the last Indian appropriation bill.

Mr. JONES of Arkansas. It is not the intention that the Secretary of the Interior shall construct the bridge?

Mr. HANSBROUGH. Not at all; it is to be constructed by private parties.

Mr. PLATT of Connecticut. For whose benefit is the bridge to be constructed?

Mr. HANSBROUGH. The public.

Mr. PLATT of Connecticut. It is on an Indian reservation?

Mr. HANSBROUGH. Not wholly; one end of it abuts on an Indian reservation and the other on private land.

The amendment was agreed to.

Mr. STEWART. I suggest that the amendment should come in on page 55, line 5, after the word "dollars."

The PRESIDENT pro tempore. Is there any objection to changing the place of the last amendment? The Chair hears none.

Mr. McCUMBER. I offer an amendment to be inserted after line 17, page 44. It has been reported favorably by the Committee on Indian Affairs.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 44, after line 17, insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to Elizabeth McKinny, a citizen of Pottawatomie, for the land purchased by the said Elizabeth McKinny from the United States under the act of May 23, 1872, and located in Cleveland County, Okla. T., and described as follows, to wit: Lot numbered 4, and the southwest quarter of the northwest quarter of section 1, and the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section 2, all in township 5 north, of range 1 east, Indian meridian, containing 157.41 acres.

Mr. STEWART. I have no objection to the amendment.

The amendment was agreed to.

Mr. McCUMBER. I offer another amendment, to be inserted after the amendment which has just been adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 44, after the amendment which has just been adopted, insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Mary Keith and Benny Keith, Cheyenne and Arapaho Indians, for the lands heretofore allotted to them in the Territory of Oklahoma, to wit: The northeast quarter of section 11, township 12 north, range 6 west, and the east half of the northwest quarter and lots 5 and 6 of section 8, township 12 north, range 7 west of the Indian meridian; and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the vote on concurring in the amendments made as in Committee of the Whole be taken in gross?

Mr. COCKRELL. The committee amendment on page 49, striking out "ten" and inserting "eight," before "thousand," and the amendment to it, should be reserved. Let the others be concurred in.

The PRESIDENT pro tempore. The Senator from Missouri asks that an amendment may be reserved, which will be stated.

The SECRETARY. On page 49, line 14, the amendment striking out "ten" and inserting "eight," before "thousand," and the amendment following that at the bottom of the page.

The PRESIDENT pro tempore. Is there any objection to taking the vote on the rest in gross? The Chair hears none.

The amendments were concurred in.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction,

and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. HALE. Let the unfinished business be laid aside for a few minutes.

Mr. STEWART. I ask that the unfinished business be temporarily laid aside until we can finish the Indian appropriation bill. It will not take more than five minutes to dispose of the appropriation bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the Indian appropriation bill. Is there objection? The Chair hears none. The question is on concurring in the reserved amendment which has been stated.

Mr. MILLARD. I ask that the Senate do not concur in the amendment on page 49, line 14, where the word "ten" was stricken out before "thousand" and "eight" inserted; so as to make the clause read:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$8,000.

The PRESIDENT pro tempore. The question is on concurring in the amendment striking out "ten" and inserting "eight" in line 14, page 49.

Mr. STEWART. Let it be nonconcurrent in.

The amendment was nonconcurrent in.

Mr. COCKRELL. Now I ask that in the St. Louis amendment the amount be made the same as in the amendment in regard to the Omaha warehouse. The Commissioner recommends \$10,000 as the amount. The clause will then read:

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$10,000.

Mr. STEWART. I have no objection to that.

Mr. PLATT of Connecticut. What is the proposition of the Senator from Missouri?

Mr. COCKRELL. To add \$2,000 more for the Indian warehouse at St. Louis, so as to make the amount \$10,000.

Mr. HALE. It is only \$2,000 more for St. Louis.

Mr. COCKRELL. It is the same as the amendment which has been allowed at Omaha, Nebr.

The PRESIDENT pro tempore. Is there objection to changing the amount to \$10,000? The Chair hears none, and the amendment is made.

Mr. QUARLES. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of line 20, page 8, insert:

Provided, That \$5,000 of this sum, or so much thereof as in the discretion of the Secretary of the Interior may be deemed necessary, shall be used for the introduction of the willow industry among Indian tribes and on Indian reservations where it may be deemed feasible.

Mr. QUARLES. I will modify the amendment by changing the word "shall" to "may."

Mr. PLATT of Connecticut. If the phrase is changed to "may be used," I will not object to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin as modified.

The amendment as modified was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE A. K. MORRIS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States: which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, with copies of the correspondence called for by the Senate resolution of March 26, 1902, in regard to the claim of George A. K. Morris against the Government of Nicaragua for injuries done to his property by Nicaraguan troops in 1863.

THEODORE ROOSEVELT.

WHITE HOUSE, April 5, 1902.

CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

Mr. FAIRBANKS. Mr. President, the pending measure is to prohibit the coming of Chinese laborers to the United States and to any territory under its jurisdiction. The prohibition, however, does not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent therein, or property of the value of \$1,000, or debts of a like amount due him therein and pending settlement.

The bill does not prohibit the admission of Chinese officials, teachers, students, merchants, and travelers for curiosity or pleasure.

Since the comprehensive, luminous, and able argument of the distinguished Senator from Oregon [Mr. MITCHELL], with respect to the numerous specific provisions of the bill, I shall not dwell at length upon them, but shall deal with the subject in a somewhat general way, and as briefly as I may.

It can not be doubted that we have an absolute right to enact such laws as will safeguard our citizenship against contaminating influences from any quarter of the globe. More than this, the duty to preserve the purity of the currents which vitally affect the standard of our citizenship is plain and imperative. Our national policy has always been a broad and generous one. We have been hospitable to all of those born beneath alien skies who desire to come and make their homes with us, and for many years we imposed upon those seeking admission no conditions or restrictions whatsoever. Millions from abroad have been added to our citizenship and have participated in the development and upbuilding of our nation. In comparatively recent years Congress has deemed it a wise policy to discriminate and to exclude from all quarters those vicious, immoral, and undesirable elements which would not add to the well-being of our society. The restricted classes have been few, indeed. We have denied admission to idiots, insane persons, paupers, or persons liable to become a public charge, persons with a loathsome or dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, assisted immigrants, contract, and Chinese laborers.

There were no restrictive laws prior to 1875. In that year Chinese Coolie trade was interdicted.

No one who gives serious thought to the question will insist that our present immigration laws are unduly restrictive. The exclusion of the elements indicated would seem to be dictated only by a wholesome regard for our own welfare.

During the last decade the total immigration to the United States was 3,615,163. During the year 1901, 487,918 were added to our population from abroad, or enough to found a city nearly two and a half times larger than the city of Indianapolis. Enough are annually coming to our shores to make a city larger than the city of Cincinnati, and nearly as large as the combined cities of San Francisco, Portland, and Seattle.

At the rate of our immigration for last year there will be added to our population in six years enough to found a State as large and populous as the State of Indiana.

This immigration does not include any appreciable number of Chinese, and the query naturally arises, What would be the total annual immigration with no restrictive laws safeguarding the Pacific coast against the admission of the Chinese?

For the most part the immigrants who have come to us have been intelligent, well-disposed people, desirous of building homes among us, and of uniting their fortunes with ours in the fullest degree. They come mainly of their own volition. No others are desirable.

For some years it has been the policy of the Government to exclude Chinese laborers from admission. This policy has found its expression in treaties and in the statutes of the United States.

Our treaty relations with the Chinese Empire cover a period of less than sixty years. The first treaty was in 1844. This was superseded by the treaty of 1858. Later came the treaty of 1868, known as the Burlingame treaty, by which was recognized the mutual right of citizens and subjects of the two powers to migrate from one country to the other for purposes of curiosity, trade, or permanent residence. It was agreed that each Government should by law make it a penal offense for anyone to take the subjects or citizens of either into the country of the other without their free and voluntary consent, respectively.

President Hayes on March 1, 1879, in a message to the Congress, called attention to the desirability of some modification of the Burlingame treaty:

The lapse of ten years—

Said he—

since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese Government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject as dealt with by the Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition in renewed negotiations of the difficulties surrounding this political and social problem. It may well be that to the apprehension of the Chinese Government no less than our own, the simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety.

It became obvious in 1880 that the Pacific coast was in dan-

ger of invasion from the densely populated Empire of China, and our Government was obliged to deal with the subject of exclusion, and the treaty of 1880 was agreed to, restricting the admission of Chinese laborers. This change in policy was dictated purely in the interest of American labor and American citizenship. The Chinese were so unlike our own people in tradition, in religion, in habits and customs, that they would not assimilate with us, and their admission in such vast and increasing numbers became a great menace, and was deemed unwise.

It was perfectly evident that the unrestricted admission of Chinese labor would inevitably result in a serious inundation of the labor markets, and the inevitable tendency would be to depress unduly the wages of American labor.

The necessity for the treaty of 1880 was declared in the preamble:

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit.

The first article of the treaty was as follows:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

On April 4, 1882, President Arthur, in returning to Congress a bill with respect to Chinese exclusion with his veto, because he believed the measure to be violative of the national faith, among other things said:

Our intercourse with China is of recent date. Our first treaty with that power is not yet forty years old. It is only since we acquired California and established a great seat of commerce on the Pacific that we may be said to have broken down the barriers which fenced in that ancient monarchy. The Burlingame treaty naturally followed.

This treaty, it will be remembered, was concluded July 28, 1868, and proclaimed February 5, 1870.

Under the spirit which inspired it many thousand Chinese laborers came to the United States. No one can say that the country has not profited by their work. They were largely instrumental in constructing the railways which connect the Atlantic with the Pacific. The States of the Pacific slope are full of evidences of their industry. Enterprises profitable alike to the capitalist and to the laborer of Caucasian origin would have lain dormant but for them. A time has now come when it is supposed that they are not needed, and when it is thought by Congress and by those most acquainted with the subject that it is best to try and get along without them. There may, however, be other sections of the country where this species of labor may be advantageously employed without interfering with the laborers of our own race. In making the proposed experiment it may be the part of wisdom as well as of good faith to fix the length of the experimental period with reference to this fact.

In 1894 the friction between our own citizens and Chinese laborers became so acute that a further modification of our treaty relations was deemed essential. The Chinese Government expressed a desire, in view of the "antagonism and much deprecated disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, * * * to prohibit the emigration of such laborers from China to the United States."

The provisions of the treaty for the exclusion of Chinese laborers are as follows:

ARTICLE I. The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ARTICLE II. The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

It was further provided that—

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

The pending measure is in effect a codification of existing laws and the rules and regulations which have been promulgated by the Treasury Department to carry such laws into effect. The

rules and regulations have been suggested by experience in the enforcement of the exclusion laws. They have been found necessary to give the laws effect, and to prevent the success of the ingenious and systematic efforts which have been made continually to evade them. The executive department has experienced great difficulty in circumventing the earnest efforts which have been made to secure the admission of prohibited classes. Organizations have been and are now maintained in China and the United States for the purpose of securing the admission of Chinese through our ports contrary to the letter and spirit of the law. Fraud and bribery have been employed in every conceivable form to evade the law and the rules and regulations issued by the Treasury Department, and the vigilance of our officials have failed to exclude all that should have been debarred. The vast extent of our boundary line along the Canadian and Mexican borders, and the large profit to be made by the successful admission of the excluded classes, make it exceedingly difficult for our officers to exclude all who should be denied admission.

It was made apparent to the committee that agencies are now established which undertake for a consideration of from \$50 to \$400 per capita to secure entrance into the United States of Chinese who are within the prohibitions of the law. These rich inducements make it necessary, in order that the policy of the United States with respect to Chinese exclusion may be made effective, that the laws should be carefully framed and made to meet the requirements of the department charged with their enforcement.

Some of the provisions of the bill may seem to be unduly drastic, yet they are such only as experience has suggested. They are such in the main as are now found necessary to enforce existing law and to prevent its evasion. To those who respect and obey the law they will not seem burdensome; they will seem severe only to those who wish to nullify it and to secure the wrongful admission of Chinese for the large profit which the nefarious traffic offers.

It may seem to some that existing rules and regulations were adequate and that it was unnecessary to enact them into the form of a statute. But experience has shown that they are not regarded by some officials with that respect which they have for the written law, and that they are too readily and easily set aside by those who are appointed to administer them.

The bill before us is not a departure from the well-settled and well-known policy of the Government. It is a policy the full purpose and scope of which is as well known in the Chinese Empire as it is known in the United States.

It is with especial pride that we point to the fact that our labor is better paid than the labor of any other country. Our effort has been to maintain a high wage scale, upon the generally accepted theory and belief that well-paid labor means better citizens and a better country than we could possibly enjoy if wages were forced to a low standard. A low wage market is most undesirable. It is not in the interest of either capital or labor, and we shall fail in our duty if we shall open the way to the free admission of oriental cheap labor, which will inevitably result in lower wages to our laborers.

The Chinese Empire is teeming with a population of some four hundred millions of human beings. With many it is a struggle for the barest necessities of life. It is a notorious fact that many of the people there live upon that which no decent American would wish one of his own countrymen to be obliged to subsist upon.

The great Chinese ports are but twenty days from San Francisco, Portland, and Puget Sound. Transportation facilities are ample, and the cost is moderate.

The opportunities in this country are so much greater and more inviting than in China, that countless thousands would seek our shores were restrictions removed.

The opportunities which this country affords are very well known in China, and the agencies which are now so fruitful in devising means to evade existing laws would soon send here vast numbers to invade our labor markets.

There is nothing immoral in our exclusion of those who do not tend to elevate our civilization. On the contrary, we would be recreant to the high trust committed to us if we should enter upon a policy of admission of vast numbers who must surely tend to bear it down. Our course is not dictated by any ill will toward the Chinese Empire. We have but to recur to the events of the past few years to find the amplest assurance of American friendship for that great and venerable Empire. When other nations sought her dismemberment and the distribution of her provinces among the powers of the earth, the United States stood first and foremost in favor of the preservation of her solidarity. We wish for China the most enlightened progress and prosperity, but our first duty is to our own country. We wish to see our country grow in strength and power; not in numbers only, for we do not find in mere numbers our greatest national strength and chief glory. We find our chief pride in the character and quality of those who constitute the 80,000,000 of American citizens.

If numbers alone constituted the real strength of a nation, China

would, indeed, be one of the strongest, one of the most puissant upon the face of the globe.

We value our broad fields, our great cities. They stimulate our pride, but above and beyond all that, as great and splendid as they are, we value our citizenship. It is, indeed, our chief glory. It means more to us, more to our children and to their children, more to the future strength and majesty of the Republic than all of the myriad material things which surround us.

A high order of citizenship is the chief end and aim of the Republic. We establish schools and found universities that they may elevate our people to a higher and broader and better plane. We have a care for the humblest among us. We want men and women who are in love with our institutions, and who will support and defend them, and transmit them unimpaired to posterity. It has been a part of our national policy to greet at our ports those from every land who are assimilable with us. We have been actuated by no nativistic spirit. We have made them joint sharers with us in the blessings and opportunities with which a beneficent Providence has favored us; but we should not invite those who will pull down and degrade our high standard.

We have heard much recently of the necessity for more land and for more territory. The vast plains of a few years ago have been largely occupied. Homes have been built and cities have been founded there. We read in the decennial census of our tremendous progress, and the eye of prophecy can already see how soon the unoccupied places, comparatively small, will be required to accommodate our rapidly increasing numbers.

We must not be too prodigal of our opportunities, or of our resources. We may well husband them for the future. Not for those of us who stand here to-day, but for those who shall follow us, and to whom we owe a surperme duty.

Our first care is to our own country and its citizenship, native born and foreign born alike. Our policy toward those of foreign birth, as I have hitherto said, is a broad and generous one. So soon as an alien sets foot upon our soil, every avenue, save one, is open to him, as it is open to the native born. The ways of trade and commerce, the professions and politics, are as free and open to him as to those who are born beneath our own benignant skies.

Being thus liberal, have we no rightful concern as to who is admitted? Is it of no concern to us whether or not he shall have in him the elements of good citizenship? What were our country without its citizenship? Destroy it or corrupt it and our chief glory is gone.

The admission of cheap labor may for the time being stimulate enterprise upon the Pacific coast and elsewhere. It may quicken the wheels of commerce, already turning with greater rapidity than at any period in our history. It may for the time being promote the interests of capital, but I do not believe that in the long run it will do so. I do not believe that there is a right-minded and intelligent citizen of the Republic who views the multiplied agencies for cheap production—production with decreased labor—who does not put the query to himself, "What will be the result when we shall have a surplus of labor?" A surplus of labor is in the nature of a calamity. We can conceive of no worse misfortune than a great country with labor unemployed. A surplus in the labor market is one of the serious probabilities that often faces us.

That American labor is displaced by the admission of Chinese labor, and that the opportunity of American labor is curtailed to the extent that Chinese labor is introduced, is obvious. It may be said that the same is true with respect to the admission of European labor, but in the latter case we admit those from whose ancestors we are descended, and who, speaking largely, are readily and fully incorporated into our American citizenship, while in the other case we have no racial elements in common. They do not harmonize with us. Upon their admission they become an undigested and undigestible mass.

The pending bill is intended to carry into the public law as the policy of the United States, recognized in the Gresham treaty and sanctioned by the almost universal judgment of the people, the absolute exclusion of Chinese laborers. It recognizes as entitled to admission Chinese officials, teachers, students, merchants, and travelers for curiosity or pleasure, excepted by the terms of the Gresham treaty. It has been found in the administration of the law that Chinese laborers have been smuggled into the country as belonging to the excepted classes, and it has become necessary to carefully define in the law such classes so as to prevent a gross abuse of the privilege.

A most serious objection to the admission of Chinese laborers is the general disregard of the home relation, with all of its humanizing and ennobling influences. The American home is indeed the unit of the Republic. In the final analysis, great issues which engage our attention from time to time, in fact the destiny of the Republic, are determined at the American fireside. Abolish the American home, and the days of the Republic are numbered.

Immigration which ignores this great potential fact is a serious menace, and is not to be desired.

The immigrants who have so materially added to our national strength have come mainly from those countries where the home and family relations are sacred, and they have built among us frugal and virtuous homes whence wholesome influences have permeated the entire community. The home is, indeed, the nation's supreme defense. Can you conceive that the Chinese who are excluded by the terms of the bill before the Senate would erect homes throughout the country, as has been done by the immigrants from the United Kingdom, France, Germany, Scandinavia, and other European countries?

Competition between American labor and Chinese labor is unequal. The two start in the contest upon an entirely different plane. The American laborer must have better clothes, better houses, better food. His wants are more—thank God for that!—and they must be supplied. He is to live and labor, educate his children, and his ashes are to repose here among his kindred. What he earns is to be spent here among his own countrymen and not in some foreign land. The Chinese laborers are not without points of merit. They are docile, patient, and have remarkable power of endurance, but their necessities are few and easily satisfied. They are but human machines of the lowest order. They may, if need be, subsist upon what the American laborer throws away—upon what we would be ashamed to see him obliged to live upon.

The Republican party adheres to the wholesome doctrine of protection against unfair competition with alien cheap labor, and the country itself is the amplest testimony as to the wisdom of this policy. The admission of Chinese laborers whose condition is so far below ours is in flagrant violation of the very principle and purpose of protection. If the Chinese would speedily rise to our standard the case would be different. But experience unfortunately demonstrates that they continue upon a lower plane, and the inevitable tendency is to bring American labor to their undesirable level. Can it be possible that American labor and Chinese labor can work side by side, the one receiving less than the other in wages and subsisting upon much less than the other? It follows as night the day that the lower paid and lower fed will cause his higher paid and better fed competitor to come down to his unfortunate condition. Against this we enter our protest. We do it from no ungenerous motive toward the Chinese Empire; we do it out of national self-respect and in our national self-interest, and no one can justly challenge the wisdom of our policy.

We enter upon no denunciation of the Chinese Empire or upon any wholesale arraignment of her subjects. There are Chinese scholars of renown, statesmen of ability, merchants of honor and sagacity, but they are not of the classes which are so unattractive to us.

We exclude contract laborers from all countries. No contract laborer, whether from the United Kingdom or any country in continental Europe or elsewhere, is permitted to enter the gates at Ellis Island. The exclusion of Chinese laborers, whether under contract or not, is dictated solely by the same motives and in the interest of American labor and of American civilization.

Some question has arisen as to whether the law should operate beyond the term of the Gresham treaty of 1894, it being suggested that the proposed act should terminate with the expiration of that treaty.

The sixth article of the treaty provides that—

This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and if, six months before the expiration of said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

It thus will be seen that unless one or the other of the high contracting parties shall elect to terminate the treaty and notify the other to that effect six months before the expiration of the period of ten years, the treaty will continue in full virtue and effect an additional decade.

So, whether the treaty shall terminate in 1904 will depend upon the fact as to whether either of the powers parties thereto shall denounce it at the end of the first ten years.

The pending measure is not in contravention of the terms of the treaty, and it is not necessary that a time limit should now be fixed. If enacted into law it will be in force so long as Congress wills and no longer. The Congress may repeal it whenever it deems that the public welfare shall so require. It may allow it to stand upon the statute books until December 7, 1904 (when the treaty may be terminated in the discretion of either power), or for an additional period of ten years, the extreme limit of the treaty, or longer as it shall deem best in the national interest. During the continuance of the Gresham treaty it can not be said to contravene any of our international obligations for it but gives force and effect to the provisions of the treaty.

Our policy of the exclusion of Chinese laborers has been main-

tained so long, and the reasons for its maintenance are so well known to the Chinese Empire, and are as cogent now as ever, that it is entirely probable that that great power will desire that the treaty shall continue for the maximum term of twenty years. If it shall be thought that after the expiration of the treaty our exclusion policy should not rest alone upon an act of the Congress, then, in advance of the expiration of the treaty, a supplemental or additional treaty may be negotiated by the two Governments, which shall fully acknowledge the right of the United States to maintain in full force the policy embodied in existing treaties and laws.

If there be any just apprehension that the Gresham treaty will be denounced by the Chinese Empire in 1904, and that in consequence the measure before the Senate thereafter may be in derogation of any treaty obligations, we may assume that the Executive Department, upon which the duty of negotiating treaties devolves under the Constitution, will take all necessary and timely steps to negotiate a treaty which shall sanction the right of the Congress of the United States, without breach of the national faith, to deal in its wisdom with the subject of the exclusion of Chinese laborers from the United States and all territory within its jurisdiction.

The necessity of an early enactment of the pending measure is urgent. On May 5 next the act approved May 5, 1892, known as the Geary law, and which continued in force the then existing laws prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent, will expire, and the Executive Department will be without the requisite authority and power to debar from admission the Chinese whose exclusion is so essential in the interest of the laborers of the United States upon the Pacific coast and elsewhere.

Mr. President, that the Congress has the most plenary power to enact into law the bill before us there can be no doubt, for the power to exclude undesirable aliens is an inherent attribute of national sovereignty. Our laws with respect to the exclusion of Chinese laborers should be stringent, and they should be so administered that they will be effective. This is in the mutual interest of the United States and the Chinese Empire, for it will avoid inevitable friction and discontent and the disturbance of those friendly relations which always have subsisted and which now happily exist between the two great powers.

Mr. GALLINGER. Before the Senator from Indiana takes his seat, I wish to ask him a question on one point which he has discussed interestingly, and that is the contention on his part that the proposed statute does not in any way violate the provisions of the so-called Gresham treaty.

I recently read a very interesting article from the pen of Hon. John W. Foster, ex-Secretary of State, I think a citizen of the Senator's own State, a very distinguished statesman and diplomatist, who takes the ground that the proposed legislation is in contravention of many of the terms of that treaty. I of course speak modestly about it myself, but I should like the Senator perhaps to restate the ground upon which he holds that it is in conformity to the terms of the so-called Gresham treaty.

Mr. FAIRBANKS. That is a pretty broad question. It would be necessary, in fully and satisfactorily answering it, to again consider the details of the bill as they relate to the excepted classes, and which were referred to at length by my distinguished friend the Senator from Oregon [Mr. MITCHELL] yesterday.

The article to which the Senator alludes, from the pen of General Foster, an able statesman and accomplished diplomat of the State of Indiana, but restates, I presume, the arguments he submitted to the committee during the hearings upon this bill. The Senator will observe by a study of the existing laws and the rules and regulations promulgated by the Treasury Department from time to time that the definitions to which General Foster takes exception are in terms and effect embodied in existing laws and regulations and have been recognized for some years.

The definitions have been found absolutely necessary to give force and practical effect to existing treaty provisions and to prevent their absolute annulment by fraud and evasion.

Answering the Senator somewhat generally and without pausing to analyze the bill critically or at length, I think he will find that the provisions of the proposed law said to be in contravention of our treaty obligations with China neither enlarge nor restrict the rights, the powers, and the duties of the United States under existing treaties with respect to Chinese exclusion, nor will they serve to exclude the bona fide excepted classes.

The definitions which the executive department has so long given the classes entitled to admission would seem to be the reasonable definitions to be placed upon the statute books. The Chinese Empire seems to have fully acquiesced in them for many years. The executive department has at all times had plenary power to modify its interpretation of the meaning of the words "teachers," "students," "merchants," etc., if its construction of them was in contravention of the Gresham treaty and unacceptable to the Chinese Empire, but this has not been done.

Mr. MITCHELL. I will say to the Senator from New Hampshire that I have read the article to which he refers from General Foster. I have also read his statement before the committee. One of the objections that he urged strongly before the committee was that the ninth section of the bill, in reference to merchants, is a violation of the most-favored-nation clause. I think the Senator from Indiana will bear me out that he urged that perhaps more strongly than any other suggestion he made, as being in violation of the treaty or in violation of the principles of international law.

Mr. GALLINGER. Now, if the Senator—

Mr. MITCHELL. One moment. I will read the provision of the treaty which he said this section violates. It reads as follows:

It is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens.

It is only necessary for the Senator from New Hampshire to read that provision to be convinced that it has no reference at all to Chinese coming to this country. It has no reference at all to the entry of Chinese laborers into this country. It applies solely and exclusively to Chinese, whether laborers or belonging to the other class, who have come into this country, who have really entered this country under the provisions of law, and even then it does not apply to them until they have actually become residents of this country, either temporarily or permanently.

It is perfectly obvious that Mr. Foster is absolutely wrong in insisting that the ninth section of this bill, relating to the merchants, is a violation of that provision of our treaty with China; and I think if the Senator from New Hampshire will point out any other single provision in the pending measure which Mr. Foster says is in violation of any provision of the treaty of 1894 with China, an equally good answer can be made to it.

Mr. GALLINGER. The Senator will permit me just here. It has been a long time since I have read the Gresham treaty, and I am not at this moment familiar with its terms. I think General Foster made a point in the article to which I alluded, and which is not now before me, that in the treaty certain excepted classes were to be admitted—if I mistake not, teachers belong to that class—and that in contravention of that clause in the treaty we have hedged those classes around with so many conditions that they are practically excluded; that is, so many conditions which are found in the old statute possibly and reenacted in a still more offensive form, if I may use that term, in the proposed statute.

Mr. PENROSE. If the Senator from New Hampshire will permit me to interrupt him, if there is one feature of this bill which is identical with existing law and regulations, it is in reference to the excepted classes. There is little or no new matter introduced on that subject.

Mr. GALLINGER. I think General Foster may have suggested that very thing, that the Geary law was equally faulty in that regard and at least gave a false interpretation, if I may use the term, to the treaty rights that were guaranteed to the Chinese Empire.

Mr. MITCHELL. I will say in answer to the Senator from New Hampshire in reference to that point that he must bear in mind that China herself in entering into the treaty of December 8, 1894, adopted not only one, but a great many of the provisions of the act of 1892 and 1893.

Mr. PENROSE. I should like to state here, and it is nothing in derogation of General Foster, for whom I have the highest esteem, that it must be borne in mind that in these statements and in these articles he is writing and acting as the representative of the Chinese Empire and not as a disinterested witness or writer upon a general topic of international law.

Mr. GALLINGER. I confess that it is news to me that General Foster is an attorney merely in this matter.

I will say, furthermore, that what I am seeking is light. I am not a lawyer. I do not undertake to interpret constitutional or other law, but I shall cast a vote on this bill when it comes to a vote, and I desire to cast an intelligent vote. If I could be persuaded that the proposed law is in contravention of a solemn treaty made with the Empire of China, I never would vote for it, no matter what the people of my State, labor people, or other people might say as to my conduct, and for that reason I made the interrogatory, understanding that these distinguished lawyers could give me valuable information on that point. That was the only purpose I had in view.

Mr. LODGE. Mr. President, I did not intend to discuss this part of the bill in relation to our existing treaties with China until the bill had been read and the committee amendments disposed of, but as the subject has come up I should like to say a few words now in regard to it. I think no one can have a greater respect for treaty provisions or the solemnity and importance of

treaty engagements than I. I should be very unwilling to support anything which could be shown to be a violation of a treaty entered into by the United States. I do not believe it can be shown that the provisions of this bill violate the existing treaty with China.

Now, in the first place, it must be remembered—the Senator from Oregon [Mr. MITCHELL] has already called attention to this point—that the treaty of 1894, which is the treaty superseding all others and the treaty under which we are now living and acting, is two years later than any of the existing Chinese legislation. It was conditioned upon that legislation. It was made with that legislation in view. Nothing in the existing law can be said to be in violation of the treaty, because the treaty was made subsequent to all those acts, and therefore recognized those acts, except of course if there should be any case where it distinctly overrode them.

I wish to call attention to the statement of its intention, found in the beginning of the treaty of 1894:

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to cooperate in prohibiting such emigration.

In other words, the Chinese Government binds itself as the intent of that treaty to prohibit and to cooperate with us in prohibiting the entrance of Chinese laborers into this country. They express that intention and desire in view of the legislation of the United States then existing on the statute book.

Mr. President, that is a clear recognition not only of our right but of the intention of the two Governments to prohibit the coming of Chinese laborers into this country, and of course it contemplates that we shall make such regulations as may be necessary and proper to attain that end. It does not bind us to the laws in existence. It gives us the right to adopt proper and suitable measures to carry out the purposes of the treaty.

There are certain excepted classes—classes mentioned as entitled to come into this country—the merchants, the travelers, the teachers, and the students. There is no intention in this bill or in any part of it to interfere with the coming of any member of those classes who is genuinely such. But it is obvious that in order to carry out the main purpose of the treaty—in order to carry out the purpose of the legislation which was in existence when that treaty was made—it is necessary to distinguish the excepted classes from the class against whom the treaty as well as the laws were aimed. In other words, it is absolutely necessary, as anyone can see, to determine whether a person purporting to belong to one of the excepted classes is really of that class. That is the entire object and purpose of these clauses. It is not to interfere with the coming of a genuine merchant, or a genuine traveler, or a genuine teacher, or a genuine student. The purpose is to enable us to distinguish those persons from the Chinese laborers, whose coming it is designed to prohibit.

Anyone who has followed the testimony as the committee has followed it, anyone who has looked into this subject with the aid of the officers of the Treasury who have been called upon to enforce the laws, must have become convinced, as I have become convinced, that there is a constant and unceasing attempt to bring into this country as merchants or teachers or students or travelers members of the prohibited class of laborers or coolies. It is to prevent that fraud that the clauses in the bill exist. If it can be shown that those clauses in any way violate the treaty, in any way tend to keep out a genuine merchant, traveler, teacher, or student, then they ought to be modified, and I should be the first to vote for such modification.

Mr. MITCHELL. So would I.

Mr. LODGE. But it is perfectly clear under that treaty, whereby China proposes to cooperate with us in prohibiting the introduction of laborers, that the only way in which we can carry out the intent of the treaty, to go no further, is to be enabled by proper tests to distinguish between those who are entitled to come in and those who are not. I say here on the strength of the testimony which I have heard and read that there is no difficulty in any genuine member of those classes coming in here, but when our officers are met by frauds constructed with all the ingenuity of the Oriental mind to bring coolies and laborers in here under the guise of the excepted classes, it is necessary to have stringent provisions for reaching the distinction which it is our duty to make.

There is no desire certainly on the part of anyone to subject members of the excepted classes to any undue or any improper restrictions or difficulties, but there is absolute necessity that we should have the means of distinguishing the classes entitled to enter from the class which it is intended to prohibit.

On the point of frauds I do not propose, Mr. President, to speak at this time with any elaboration, but I wish to say for myself

that, coming as I did to this subject with a belief that the existing law was entirely sufficient, my mind was changed by the testimony of the frauds that were in process to bring in the cool laborer. These cool laborers are brought into this country by the Consolidated Six Companies. They are trying all the time to force them into this country in large numbers or in small. They are entirely familiar with the law; they know exactly what it is necessary to do, and these men come here with forged certificates. We had two before the committee, brought in simply as an illustration, who were here, who had gotten into the country on forged certificates as merchants; certificates which they admitted were forged. That is going on at different points all the time. There is apparently a great deal of profit to the Six Companies in the introduction of cool labor into this country, and they spare no effort to get that cool labor in.

Mr. CULLOM. Will it interrupt the Senator if I should inquire who the Six Companies are? I really do not know.

Mr. GALLINGER. It is one company, really.

Mr. LODGE. They are really consolidated. It is practically one great company known as the Consolidated Six Companies.

Mr. CULLOM. American companies?

Mr. LODGE. Chinese companies, I think of considerable antiquity, and they are nominally trading companies, I understand. They have a very powerful organization, great resources, and, if I am not misinformed, all the laborers who are brought here are brought here through the Six Companies. They agree to pay a certain amount of their earnings to the company and reserve a certain amount to themselves. Therefore with this important organized body, the Six Companies, engaged in pushing these men into the country through various pretenses or disguises, it is absolutely necessary that we should be able to distinguish the true from the false; and when it is remembered—

Mr. PETTUS. Will the Senator from Massachusetts allow me to ask him a question? It is strictly for information.

Mr. LODGE. With great pleasure.

Mr. PETTUS. What use do the Six Companies make of the persons whom they import into the United States? How do they make their money, or what disposition do the companies make of the individuals?

Mr. LODGE. They take a certain amount of the earnings of the individual cool brought in here. They pay his expenses, as I understand it, and they bring him here, and he pays them a certain amount of his earnings and the balance he keeps for himself or he spends on himself. They keep most of it. He is continually under their hands.

Mr. PENROSE. If I may make the matter a little more definite, it was distinctly testified to before the committee that the Chinese coolies paid from four to five hundred dollars for admission into this country, for their coaching papers, for the various fees to corrupt the administrative officers of the Government, to the lawyers who had charge of their case at the various ports of entry, and finally to the Six Companies who advanced the capital and superintended the whole business. These coaching papers are to be found in the testimony, and evidence was produced to show how they were smuggled into the detention houses, concealed in soups and pies and other forms of food, reciting at length how a Chinaman could be induced to commit perjury. There is supposed to be a profit of some \$200 on every male Chinaman smuggled into the country, and two or three thousand dollars upon every female Chinese smuggled into the United States.

Mr. MITCHELL. Whom they sell for immoral purposes.

Mr. PENROSE. Whom they sell for immoral purposes. Therefore, if the Six Companies can during the year smuggle into the United States three or four thousand Chinamen, at a profit of two or three hundred dollars per head, it is easy to see what a very large and profitable business it is to them.

Mr. LODGE. In this connection (I was looking for it while the Senator from Pennsylvania was making the explanation, which I am very glad to have had made at this point), to show the power of the Six Companies, I wish to call the attention of the Senate to the circular which they sent out, which is printed on page 441 of the hearings. It was translated by Dr. Gardner, of the Chinese Bureau:

To whom it may concern:

In the matter of amending the treaty and repealing the law funds are urgently needed.

It has been publicly decided at a meeting of the officers and representatives of the merchants that all Chinese residing in the United States shall each contribute the sum of \$1, and that well-to-do merchants and wealthy people shall contribute extra in order to lead off and set an example, and that the matter shall be proceeded with this very day.

We trust that all will respond promptly. The time for taking up these contributions is limited within the year, and receipts will be given as evidence.

In the event of anyone failing to pay one month after the time set, \$2 additional will be collected from him, and \$4 after two months.

If on the day of departure for China anyone fails to produce a receipt, an additional sum of \$10 will be collected from him. Certainty of execution is what constitutes a rule. On the twenty-fourth day the steamer *Gaelic* will

leave for China. On the present trip each person will contribute the regulation amount of \$1, just as if people had not appeared to pay the amount. Those passengers going home as old men and holding exempt tickets will, out of pity, be exempted from the payment of this fund.

This is a special notice, and that all will comply is our earnest desire.

Issued by the Chinese Consolidated Companies (Six Companies) Kwang Sney 27th year, 10th month, 21st day (November 29, 1901).

That was to make a levy of money for the purpose of opposing this legislation, and I read it in order to illustrate the power of the Six Companies. They touch every one of these Chinamen all over the country, all the cool laborers.

Mr. GALLINGER. Will the Senator permit me?

Mr. LODGE. Certainly.

Mr. GALLINGER. It does not seem to be very different from what the postal clerks are doing in reference to legislation. They assess each one of their members and they put up money to promote legislation here. I believe the President has recently issued an order against it, but it has been going on during the entire term of my incumbency in this body.

Mr. PLATT of Connecticut. The same thing is done by what is called "organized labor."

Mr. GALLINGER. Organized labor does the same thing. They have their walking delegates here.

Mr. LODGE. I did not introduce this in order to find fault with the Six Companies because they levied any tax on the people they brought here. I introduced it to show that the Six Companies have control of the cool laborers, and that it is this great organized body that is engaged in putting it into this country. They are not individual immigrants coming here in the hope of getting in and making money, but they come here under a systematic conduct. That is the point I desire to make.

Mr. GALLINGER. If the Senator will permit me, I do not think they exercise any greater power than the leaders of the labor organizations in this country exercise in getting funds and in controlling legislation. They command their men to do certain things, and they do those things.

Mr. LODGE. Mr. President, I am not finding fault with the Six Companies because they command the Chinese. That is not my criticism on them at all. I was trying to state how these coolies came here and who was responsible for their coming, and I endeavored to show that the Six Companies were responsible. Whether they have a power like the power of our labor organizations is to my mind nothing to the purpose. The fact is that it is through them these Chinese come; that it is an organized movement, under the control of extremely clever, able men, to induce them to come, and they are engaged in a systematic attempt to introduce this prohibited labor, labor that China has agreed to prohibit just as much as the United States; and if the Chinese Government lives up to that treaty which we are asked to live up to it is the business of the Chinese Government to prevent the Six Companies from forcing cool labor into this country. I have not heard that they have attempted to do anything of the kind.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER (Mr. FOSTER of Washington in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. TELLER. The Chinese Six Companies is an organization which has absolute control of all the Chinamen in this country.

Mr. LODGE. That is it.

Mr. TELLER. That is an undeniable fact. It is a government of the Chinese, absolute in its control. Undoubtedly they order at times (they have done it at least in the past) the assassination of certain Chinamen who are in their way. It is an arbitrary, absolute government. It is a money-making government, of course. It is here to make money. They bring them all here and they keep their hand on them all the time they are here, and when they go away they protect them to the last.

I have had some little experience in this matter in the last forty years. If I wanted to hire some Chinamen I would go to the Six Companies at once, and so would everybody else if they wanted to hire more than one or two, and even in that case a person would go to some prominent Chinaman in the town; he would not go to the mass there. They are under the control, absolutely, of the Six Companies; and there is nothing like it in the labor system of this country.

Mr. LODGE. I did not bring the point out with a view of criticising the system of the Six Companies, but with a view of showing what the nature of the effort was that is being made to introduce this cool labor, and why it is necessary to take reasonable and proper precautions to distinguish the excepted classes from the prohibited class.

Mr. President, I think it is plain to demonstration that we have under the treaty an absolute right to take any reasonable and proper measures that we choose to exclude the classes whose coming the two Governments agreed to prohibit.

Now, one other point, Mr. President. I have heard it said that, as the treaty expires in two years, we ought to limit this legislation. That arises from carelessness, I think, in looking at the provision of the treaty. The treaty provides that it shall expire at the end of ten years—that is, in 1904—on the denunciation of either of the parties; and if neither party withdraws, then it is to extend for another period of ten years. Therefore we have no right to assume that the treaty will expire in two years. It may last twelve years longer. There is nothing in it to necessitate a limit.

I do not think that is an important point, but the important point is our living within the provisions of the treaty. The particular points I desire to insist on are that the treaty was made and conditioned on the legislation then in existence. Almost all the provisions of this bill are repetitions of existing law or of existing Treasury regulations, which were all made before the treaty of 1894 was entered into. That treaty was entered into by both Governments, with an entire knowledge not only of the policy of the United States, but of the means which had been adopted to carry that policy into effect. If in any clause in the bill it can be shown that we have violated treaty rights, after the points that I have made have been considered, then that ought to be modified, and I have no doubt it will be; but I doubt very much indeed if it can be shown that we have violated the treaty of 1894 in any single particular.

Mr. FAIRBANKS. Mr. President, a brief examination into the history of smuggling Chinese into the United States will convince anyone that the proposed law is not unduly restrictive. As I have said, there are no laws of the United States that are evaded so ingeniously, systematically, and persistently as the Chinese-exclusion laws.

I wish to call attention to some testimony before the committee bearing upon this subject. It shows the necessity of defining in the most careful way what was intended by the two powers when they wrote into the Gresham treaty the excepted classes. If the definitions in the bill before the Senate seem to be unduly restrictive, that appearance will be dispelled when you go into the history to which I have adverted.

I read from the statement of Mr. Dunn before the Committee on Immigration.

Mr. PLATT of Connecticut. On what page?

Mr. FAIRBANKS. Page 316. Mr. Dunn said:

I am informed upon absolutely credible authority (here I will state that I will give to the chairman of this committee, if desired, the name of my informant, which, however, I will not divulge in this public meeting) that a prominent San Franciscan, personally favorable to the admission of Chinese, called the attention of the general manager of the Pacific Mail Steamship Company to the possibility of "bringing over" large numbers of Chinese laborers—

As laborers? No. How?—

in the guise of merchants, students, teachers, and travelers. It appears that until then this generous provision of the law had been virtually ignored by the promoters of Chinese immigration. After very careful consideration by the representatives of the steamship company the scheme was put in operation and agents were sent to China for the purpose of working up the business.

What business, Mr. President? The business of evading the law, of evading the treaty entered into solemnly by the Chinese Government and the Government of the United States.

Chinese laborers were provided with certificates as merchants, students, etc., and the Chinese passenger traffic grew to immense proportions. For some two or three years the business thrived.

This illegitimate business; this evasion and circumvention of the Gresham treaty.

Mr. GALLINGER. Has the Senator information as to what years those were Mr. Dunn alludes to in which this traffic grew to such an extent?

Mr. FAIRBANKS. I could ascertain by going through his testimony. He was located at San Francisco. He has been there some three years, so that it could not have been many years ago. The fact can be easily determined by the testimony. If the Senator wishes, I will stop and refer to it, otherwise I will leave it to him to investigate.

Mr. GALLINGER. The reason why I inquired is that the census reports show that in 1890 there were 107,488 Chinese in this country, and in 1900, 89,863, or about 18,000 less in 1900 than in 1890, notwithstanding this business thrived to such an extent as Mr. Dunn represents. It puzzles me.

Mr. FAIRBANKS. A great many of them have returned to China. A great many of those who secured admission surreptitiously in violation of the law have been apprehended by the authority of the Government and deported to China.

Mr. PLATT of Connecticut. But, on the whole, the number is decreasing.

Mr. GALLINGER. It is nearly 18,000 less. I wish just at this point, inasmuch as this is a Pacific-coast measure, to say that the census reports show that in 1890 there were 72,472 Chinese in

California, and the census reports in 1900 show that there were then 45,753, or a decrease of over 27,000 in the State of California.

Mr. FAIRBANKS. Mr. President, my good friend will not allow those statistics to override the positive testimony of a sworn officer of the Government, I suppose.

Mr. GALLINGER. Well, Mr. President—

Mr. FAIRBANKS. Does he understand that this—

Mr. PLATT of Connecticut. The census reports were made by sworn officers of the Government.

Mr. FAIRBANKS. Yes; but they have nothing to do with Mr. Dunn's statement. Do statistics show the number who have left the country voluntarily? Do they show the number who have been apprehended and deported to China?

Mr. GALLINGER. It simply shows, Mr. President, that there was a decrease of about 40 per cent in the Chinese population in the State of California in 1900, as compared with 1890. Now, I have no comment to make upon that beyond stating the fact.

Mr. FAIRBANKS. I understand, but I take it that Mr. Dunn is stating nothing but the truth. Of course if he is not, he should be summarily discharged.

Mr. PLATT of Connecticut. No statements have been prepared by him to show how many have been intercepted or how many have come in or how many have gone back.

Mr. FAIRBANKS. No; not at all. I suppose his general statement may be believed. The Senator does not know that it is untrue except as he infers it from the statistics read by my honorable friend from New Hampshire.

Mr. GALLINGER. That is all I know about it.

Mr. PLATT of Connecticut. If the Senator from Indiana will permit me, I should like to say right here that it seems to be impossible to conclude that any considerable number of laborers from China are being smuggled into this country. There may be some, but that there are any great number of them must be proved not to be so, I think, from the fact that the number in this country is constantly diminishing.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. FAIRBANKS. Certainly.

Mr. TELLER. I should like to ask the Senator from Connecticut if he has an idea there would not be a vast horde of Chinese laborers here in a short time if we had no prohibition?

Mr. PLATT of Connecticut. I have no doubt if we had no law on the subject, no Treasury regulations, there would be an increase; but I think that under the law as it exists to-day and under the Treasury regulations it is practically impossible that there should be any considerable increase of Chinese laborers in this country.

Mr. FAIRBANKS. I read further from Mr. Dunn, that we may be as accurately advised about this matter as possible. It should be borne in mind that Mr. Dunn is chief of the Chinese bureau in San Francisco.

The collectors of customs looked upon these certificates as absolute evidence of the right of the applicants to admission, and they were admitted after little or no investigation.

This was one of the most flagrant of the frauds which I was instructed to prevent, and after many months of study and research, investigation, and inquiry we were able to secure the rejection by collectors of customs of those whose certificates were fraudulent.

This has been done by strict investigation of the applicants and such inquiry as is possible on this side of the water. But in a majority of cases the poor deluded coolies, who have frequently mortgaged their possessions as well as their future earnings for the costs of the certificate and travel, admit that the statements contained in their certificates are untrue, that they have never been anything but laborers, and that they are not entitled to the status claimed.

The representatives of the steamship and railroad companies engaged in carrying the Chinese frankly declare that they are "selling transportation," and that it is not their duty to inquire whether or not their passengers may land upon arrival. Their agents work up the Chinese passenger traffic in China as a matter of business. Prominent Chinese firms, recognized as mercantile establishments in the United States, are heavily engaged in the business of supplying these certificates and bringing the coolies here upon these fraudulent papers.

And further:

These Chinese coolies, masquerading as merchants, students, et al., are very carefully coached, being furnished with verbal, printed, or written instructions, copies of which I shall be pleased to lay before you, if desired. Vast profits have been made by the alleged Chinese merchants located in this country in the promotion of this illicit traffic, and the so-called Chinese merchants, students, etc., imported in this manner are said to be held in virtual bondage for some years, until they have, by their earnings, repaid the sums agreed upon, with interest and extra charges.

Mr. DILLINGHAM. Mr. President, may I ask the Senator a question?

Mr. FAIRBANKS. Of course; with pleasure.

Mr. DILLINGHAM. Did it appear before the committee who the gentleman was Mr. Dunn referred to as giving him that information about the arrangement with the Pacific Mail Steamship Company? If so, I should like to have the name stated.

Mr. FAIRBANKS. I will read again what he said about that:

I am informed upon absolutely credible authority (here I will state that I will give to the chairman of this committee, if desired, the name of my informant, which, however, I will not divulge in this public meeting).

Whether his name was given or not I am not able to advise the honorable Senator.

Mr. DILLINGHAM. I think the name should be given. I have just been called from the Chamber by the vice-president of that company, who denounces the statement as an absolute falsehood, and he demands to know who Mr. Dunn's informant was.

Mr. FAIRBANKS. I think my distinguished friend the Senator sat with me at the hearing of Mr. Dunn's testimony.

Mr. DILLINGHAM. I did, and I never heard the name.

Mr. FAIRBANKS. Nor did I. Did the Senator ask for it then?

Mr. DILLINGHAM. I did not, because it was said that it would be given to the chairman, and I supposed that the committee would be placed in the possession of the name when it was so given.

Mr. FAIRBANKS. I think it ought to have been. I can not advise the Senator on that point. I read further from the statement of Mr. Dunn:

Reverting to the class of Chinese bearing certificates from foreign countries, I desire to make this declaration:

In an experience of nearly three years, during which I have prepared reports of thousands of these cases, I have never known of an applicant seeking admission as an agent or buyer for any mercantile house in China or elsewhere, and never has a bona fide merchant been denied admission.

No applicant for admission as a student has ever been denied if he possessed proper papers and could prove that he was not a laborer. Every applicant who possessed the status of a scholar has been admitted.

No applicant certified as a traveler has been denied if possessed of required qualifications. No one certified as a traveler has been rejected if he were other than a cooly.

Mr. Dunn gives this specific case, which is certainly a most flagrant one, and would suggest to the Congress some carefully guarded legislation:

After the work of my bureau at San Francisco had resulted in reducing this line of fraud, efforts were made to land these classes at other ports. In March, 1901, I was ordered by the Secretary of the Treasury to investigate at San Diego a shipload of Chinese "coming with fraudulent certificates."

I will call the attention of the distinguished Senator from New Hampshire [Mr. GALLINGER] to the fact that this was only a little over a year ago.

I found the ship *Belgian King* had arrived with 45 Chinese, bearing certificates as merchants, students, etc., issued at Canton and Hongkong.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will ask him if the law does not require that the United States consuls shall visé all those certificates?

Mr. FAIRBANKS. That is correct.

Mr. GALLINGER. So that they have passed the scrutiny of the consuls of the United States.

Mr. FAIRBANKS. And it was shown before the committee that the consuls almost uniformly were indifferent or negligent in the performance of that duty imposed by law.

Mr. DILLINGHAM. May I ask the Senator a question?

Mr. FAIRBANKS. Yes, sir; with pleasure.

Mr. DILLINGHAM. If that be so, would it not be better for this Government to look after its officials abroad than to make these very stringent regulations for the admission of Chinese, so that they may have a hearing at the port of departure and not take the risk of coming a long distance and then be turned back?

Mr. FAIRBANKS. I agree with the Senator that it would be well for the Government to deal with the matter there, but not exclusively so. I would deal with it both here and there.

Mr. MITCHELL. I will say to the Senator, in addition, that the Chinese impose on our consular officers in China in just the same way they impose on the customs officers here. Hundreds of Chinese, I have no doubt, come in wrongfully where the consular officers have acted in perfect good faith. They are very ready with means of deceit and deception.

Mr. DILLINGHAM. I did not understand from the statement of the Senator from Indiana [Mr. FAIRBANKS] that the difficulty was with the deceit practiced by the Chinese emigrants, but that the fault was in the inattention of the consular officers.

Mr. FAIRBANKS. From the testimony before the committee, which the Senator heard as well as myself, I drew the conclusion that those officers were not as careful in the discharge of their duty as they should have been. I was endeavoring just as the Senator rose to find some testimony in the record before us, which I read this morning, to the effect that the consuls were confused and misled, and that they finally gave up undertaking to ascertain and certify to the facts, which they are required to do under the law. The Senator from Oregon [Mr. MITCHELL] is quite correct. Deception is practiced upon our consular officers there as well as our customs officers here.

Mr. DILLINGHAM. Then I will inquire of the Senator whether, in his judgment, our Government ought to ignore the inefficiency of our officials, and whether, in his judgment, it is fair for us in doing so to allow these men to come this long distance for another examination, for instance, in San Francisco, and then be sent back across the Pacific?

Mr. FAIRBANKS. Well, Mr. President, I have more sympathy for the people of this country than I have for the Chinese seeking admission to the United States unlawfully. They know what the laws are when they go to the consuls of the United States to perpetrate fraud upon them; they have no equity which justifies us in abandoning here all effort to exclude them when they reach our shores. What equity have they, coming here with a fraudulent certificate viséed by the officials of the United States in China? A certificate, when it is presented to our officers in San Francisco, if found to have been fraudulently secured, should be torn to pieces, and the fraudulent bearer of it sent back to China, no matter what the cost or the annoyance to him might be.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. FAIRBANKS. With pleasure.

Mr. GALLINGER. I have here a San Francisco newspaper—the *News Letter*—the entire front page of which is devoted to a discussion of the examinations that are made of these men on this side, and this newspaper from the Pacific coast claims that the examination is exceedingly unfair and unjust to the Chinese, and that they are deported without proper authority.

I think I shall take occasion to read that article on Monday, when I may ask the attention of the Senate for a few minutes in the discussion of this question.

Mr. FAIRBANKS. What is the paper?

Mr. GALLINGER. The *News Letter*.

Mr. FAIRBANKS. Mr. President, there may be cases of harsh administration of the law. I do not say that there are not. I regret the fact if it is so. We have got to enforce these laws through human agencies. There can not be an absolutely just and perfect administration of any law.

I am not going to absolutely condemn our officers, Mr. President, if sometimes they become a little impatient because of the continual effort to circumvent them, because of the persistent effort of the Chinese to evade the law. If I have read aright the testimony taken by the committee, there has been found nowhere more subtle and ingenious attempts to evade the distinct and clearly written law of the United States than there has been in connection with this entire Chinese business.

I do not know what is the statement contained in the letter to which the distinguished Senator from New Hampshire adverts.

Mr. GALLINGER. It is an editorial.

Mr. FAIRBANKS. I have no doubt, as I have said, that there may be cases in which there has been wrong done, injustice done, but, on the whole, largely speaking, I believe the law has been faithfully and humanely and wisely administered.

Mr. TELLER. Mr. President, I want to say a word to the Senator from New Hampshire [Mr. GALLINGER]. There is a very strong party in the extreme West who are in favor of admitting all the Chinese into this country who may wish to come. There are people who think it is to their interest to secure the cheapest possible labor, and they do not care whether those laborers be white men or black men or yellow men, provided they will work very cheaply, and especially if they will be obedient to all the demands that are put upon them. That is the case, probably, with all Chinamen. I have no doubt that there are newspapers over there that will decry every effort that may be made on the part of the Government to keep this immigration within the lines of the treaty and the statutes, because they will be glad to see them both wiped off the statute book and to see the ports of the United States open to all the Chinamen who may wish to come.

Mr. PLATT of Connecticut. Mr. President, of course I can not detain the Senate at this hour of the afternoon, but before this discussion closes I wish to call attention to a matter which we seem to be continually drifting away from—the matter alluded to by the Senator from Massachusetts [Mr. LODGE].

We have treaties with China, and we ought to keep those treaties not only in their letter, but in their spirit. This country can not afford to disregard its treaties with any foreign country, and least of all can it afford to disregard its treaties with a power that is not able to defend itself if those treaties are disregarded. We not only must not disregard our treaties, but we must keep them scrupulously; we must not "keep the word of promise to the ear and break it to the hope."

All this is outside the question of whether Chinese laborers are desirable in this country. The suggestion which I wish to make is whether this bill in its definitions of the exempted classes is keeping the treaty with China either in its letter or its spirit, and the question I want to ask is this: Whether the Senators who have reported this bill believe that China thinks that these definitions of teachers, scholars, and students are within the fair meaning, scope, and interpretation of that treaty? That is a pretty significant question, and it ought to be answered here.

We do not consult China as to these definitions; we fix them in this bill arbitrarily, and, in my judgment, in a way that entitles China to seriously complain that we are not attempting in a fair spirit to observe the provisions of that treaty.

Now, let us turn to the treaty for a moment, and I am not going to detain the Senate long. Article III of the treaty in force says:

The provisions of this convention shall not affect the rights at present enjoyed—

Which was in 1894—

of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

Observe the language—
residing therein.

The rights which they at present enjoy were those stated in Article II of the treaty of 1880:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Here we have, then, the treaty of 1880, which specifically recognized the right of teachers and students—I am speaking now only of those two classes—not only to “come of their own free will and accord,” but to “be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.”

The treaty of 1894 said that they should have “the right at present enjoyed * * * of coming to the United States and residing therein.” Now, let us see what this bill says:

SEC. 6. That the term “teacher” used in this act shall be construed to mean only one who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches and has completed arrangements to teach in a recognized institution of learning in the United States and intends to pursue no other occupation than teaching while in the United States.

Does the Senator who reported this bill suppose that that is the definition which the Chinese Government had in its mind when it obtained from us the privilege that teachers should be permitted to come to the United States and “to enjoy all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation”—to reside here? Is there anything in that treaty which limits it to teachers who have been two years engaged in teaching “the higher branches of education”?

Mr. MITCHELL. Will the Senator permit me there?

Mr. PLATT of Connecticut. Not just at this moment—and have completed arrangements to teach in a recognized institution of learning in the United States?

I can not think so. Now, I will yield to the Senator from Oregon.

Mr. MITCHELL. The Senator from Connecticut will agree, I presume, that the United States has, under the provisions of that treaty, a right to provide some kind of test as to whether a person is a teacher or not. I suppose the Senator will agree to that.

Mr. PLATT of Connecticut. Yes; I think they ought to do it.

Mr. MITCHELL. And I will agree with the Senator further, that the test should be a reasonable one.

Mr. PLATT of Connecticut. Yes.

Mr. MITCHELL. Now, is it an unreasonable test to provide that a man should be able to show that he had been engaged for some time in teaching? How else will you arrive at the conclusion that he is a teacher?

Mr. PLATT of Connecticut. Are there no teachers except teachers of the “higher branches of education” for two years?

Mr. MITCHELL. In answer to that I call the attention of the Senator to the fact that when the treaty of December 8, 1894, was promulgated the rule of which he complains had already been announced by the Treasury Department, and the construction which this bill places on the terms “students” and “teachers” had been placed on those terms by the Treasury Department; and yet China proceeded to enter into the treaty of 1894 without one word of complaint in regard to the construction which had been placed upon the terms “teachers” and “students.”

Mr. PLATT of Connecticut. I do not, of course, for a moment dispute the accuracy of the Senator’s statement that the precise definition incorporated in this bill of a teacher had been established by Treasury regulations prior to 1894, but I hope the Senator will point it out to me before this discussion is concluded.

What is the teacher to do? He must not only have been teaching “the higher branches of education” in China or elsewhere, but he must have “completed arrangements to teach in a recognized institution of learning in the United States.” That is something more than a primary school, or a common school, or a high school in this country. Why, Mr. President, can the Senator not see that that is an absolute exclusion of all teachers?

Mr. GALLINGER. If the Senator will permit me, I will read precisely what the Treasury regulations were at the time this treaty was ratified:

Chinese person not entitled to admission as a teacher, if, in addition to presenting proper certificate, etc., the facts claimed in his certificate are disproved; or if any of the contents thereof are controverted; or if evidence does not show that he has actually been following the avocation of teacher in China—

A teacher in China of the higher branches—

or if upon examination in various branches of education it is found that he is not qualified to become a teacher; or if it is not shown to the satisfaction of the collector that plans and arrangements have been effected for him to conduct a school in the United States.

Mr. PLATT of Connecticut. This proposed statute has been made very much more drastic than that Treasury ruling, which the Senator from New Hampshire has read, so much so that I want to repeat here that under it it is practically impossible that any of the exempted class known as teachers can be admitted into the United States. There is no call for them, perhaps, in the higher institutions of learning in the United States, or, if there is a call for them, they will not have made their arrangements for teaching. Suppose that possibly there is one scholarship in Yale or in Harvard, not more than three or four Chinese teachers could possibly be admitted into the United States under this statute. Now, will Senators tell me what China understood when it said that its teachers should be admitted into the United States with their household goods and their servants, and accorded all the rights, privileges, and immunities of the citizens or subjects of the most favored nation, and might reside here?

Mr. LODGE. Do I understand the Senator to lay down the proposition that the United States has not the right to protect itself against an undesirable class of immigrants?

Mr. PLATT of Connecticut. It has exercised the right.

Mr. LODGE. But as a general proposition—

Mr. PLATT of Connecticut. I think, Mr. President, that in the spirit of comity, which we desire to have prevail between this country and China, the United States should at least ask China what she understood by the treaty. We can abrogate the treaty, so far as the right to do so is concerned.

Mr. FAIRBANKS. Mr. President, may I ask the Senator, in order to get at a fair meaning of it, whether or not he is advised that the Chinese Government ever complained of this definition?

Mr. PLATT of Connecticut. I do not know. I am complaining of it right here and now.

Mr. FAIRBANKS. I understand. But is it not fair to assume that if the Chinese Government had acquiesced in our definition for a number of years she waives the right to complain?

Mr. PLATT of Connecticut. It was not this definition, Mr. President.

Mr. LODGE. I think that is a matter of opinion. I think it is this definition.

Mr. PLATT of Connecticut. Not as read by the Senator from New Hampshire [Mr. GALLINGER].

Mr. FAIRBANKS. Yes; as read by the Senator from New Hampshire.

Mr. GALLINGER. Perhaps we had better refer to Webster or Worcester or the Standard Dictionary to see what the definition of “teacher” is. It certainly is not the people engaged in the higher branches of education, and who, under this bill, must teach continuously for two years.

Mr. LODGE. That Treasury regulation demands in so many words that there must be a test of the higher branches.

Mr. GALLINGER. It does not say so.

Mr. PLATT of Connecticut. It does not say so as read by the Senator from New Hampshire.

Mr. President, I hope that I may be permitted to conclude the few remarks which I was about to make.

Mr. MITCHELL. If the Senator will permit me to ask him just one question, I ask if he does not think that is the meaning of that treaty, and does he think that it was the intention either on the part of China or of this country that persons should come here under that designation to teach in the ordinary common schools?

Mr. PLATT of Connecticut. I do not know. I have been taught that the common school was the foundation of all the education and the glory of this country.

Mr. LODGE. Does the Senator anticipate that we are going to have Chinamen teach in our common schools?

Mr. PLATT of Connecticut. Mr. President, I can scarcely understand the state of mind which prompts that question.

Mr. LODGE. I understood the Senator to object that we were shutting out persons eligible to teach in our common schools, and I asked him as a practical matter if we were going to import Chinamen to teach in our common schools. That does not seem to me to be an unreasonable question.

Mr. PLATT of Connecticut. We have some Chinese children in this country. I go to the term “student,” which is even worse, and I venture to say that this definition of this section

entirely changes the understanding of the parties when this treaty was made, and fixes a definition for the word "student" that nobody ever heard of or thought of until it was defined either by Treasury regulation or by this bill, a definition which, if notice were taken of it, would make us, as it seems to me, absolutely ridiculous.

I want to say right here that I do not know what could better preserve or increase the friendly relations, which we hope to have with China as a foreign power, or be better adapted to carry the ideas of our civilization into China, which we are all hoping for and which we are all praying may enter that dark country, than to have boys brought here and educated here in the American language and with American ideas, as has been done in the case of Japan, and as we are doing now in the case of Porto Rico. How else can we so well disseminate the ideas of our institutions as by that process? Something of that sort was done here a few years ago—perhaps thirty or forty years ago; I do not remember just how long ago—but some of the brightest of the young Chinese boys were brought here and put into families for education and received an education in American ideas. Some of them went through our colleges, and then went back to China, and, if I am not mistaken, the symptoms of a new civilization in China, based in some respects upon what they call Western civilization, are attributable to the influence which those boys, educated in our families here in the United States, exerted when they went back to China. I know the history of some of them and the influence they have exerted there.

Now, just look at what this bill says "a student" is in the meaning of this treaty:

SEC. 7. That the term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

The treaty says that he shall have the privilege of residing here.

Mr. MITCHELL. If the Senator will allow me, he certainly does not mean to tell the Senate it is his judgment that if a man ceases to be a teacher—

Mr. PLATT of Connecticut. I am talking about students.

Mr. MITCHELL. Well, if a man ceases to be a student, that he has any right under that treaty to reside in this country?

Mr. PLATT of Connecticut. Let us see.

Mr. MITCHELL. Clearly he has not.

Mr. PLATT of Connecticut. The convention with China reads:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein.

Mr. MITCHELL. Certainly; students.

Mr. FAIRBANKS. That means residing here during the period he is a student.

Mr. TELLER. And not after he ceases to be a student.

Mr. PLATT of Connecticut. He becomes a teacher then.

Mr. TELLER. Then he resides here.

Mr. PLATT of Connecticut. He might get an opportunity to teach.

Mr. TELLER. Then he resides here.

Mr. PLATT of Connecticut. No; then he has got to depart. The student who comes here, who is instructed in the American language, in American ideas and ideals, and who seeks to become a teacher in a common school, a high school, a college, or any of the higher institutions of learning, can not stay as a teacher, but has got to depart.

Mr. MITCHELL. The Senator is aware, I presume, that the Federal courts have decided in more than one instance that where one belonging to an exempted class comes here and ceases to belong to that class, then he has no right to remain here.

Mr. PLATT of Connecticut. Very likely. I am not familiar with all the decisions, but I want to know how a student, or how any person claiming to be a student—and students under the treaty are permitted to come and reside here—I want to know how any such person is going to get into the United States? A person will never come to the United States as a student—

Mr. TELLER. I hope not.

Mr. PLATT of Connecticut. And the Senator from Colorado says he hopes not. That is very significant.

Mr. GALLINGER. And yet we are talking about Christianizing China and the Philippines.

Mr. PLATT of Connecticut. Mr. President, no person will ever come, or can ever come, to the United States as a student.

Mr. LODGE. Mr. President—

Mr. PLATT of Connecticut. Just one moment, if you please.

The term "student," used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or the territory of the United States whence he comes.

They have at Tientsin a university where the facilities for higher education are afforded. That will shut them out, if nothing else. It is not necessary, in my judgment, Mr. President, to so strain the provisions of this treaty and to so arbitrarily force them in order to prevent the coming of Chinese laborers into the United States.

I will not speak of the travelers and the merchants, because this matter relating to the education of the Chinamen touches me very much more closely than the question of their engaging in trade here or traveling about here. It seems to me we ought not only not to shut up all the doors against the coming of persons as teachers and students into this country, but that we might construe the treaty even to open a little wider the doors for Chinamen to come here to teach or to be taught in our institutions of learning, and not absolutely to exclude every teacher and every student, practically, from coming among us. That was not the way the treaty was understood, Mr. President. I do not believe that there is any ruling of the Treasury Department, it not having been called to my attention, which proposes to exclude every child, boy, or young man from coming to this country and honestly desiring to be taught our language, our institutions, and our laws. I shall not believe that the Treasury Department has made any such regulation until it is shown to me.

Mr. LODGE. Will the Senator kindly look at the bill and then compare it with what I am about to read? I wish him to look at the bill from which he has been reading—the clause about students.

Mr. PLATT of Connecticut. I have read it.

Mr. LODGE. That is what I want the Senator to read. I am going to read the opinion of the Solicitor of the Treasury, and I want the Senator to compare it with the terms of the bill. I am going to give the Senator an opinion, because the Senator said he did not believe the Treasury Department had ever made such a ruling.

Mr. GALLINGER. I said nothing of the kind.

Mr. TELLER. He refers to the Senator from Connecticut.

Mr. LODGE. I did not say the Senator from New Hampshire. I refer to the Senator from Connecticut. He said he does not believe the Treasury has ever given such an opinion. Now, I am going to read the opinion.

Mr. GALLINGER. If the Senator will permit me, I ask his pardon for misinterpreting what he said. The Senator approached in a very threatening manner, and I thought he must have meant me. [Laughter.]

Mr. LODGE. I beg the Senator's pardon. Nothing was further from my thoughts:

A Chinese student is "a person who intends to pursue some of the higher branches of study, or one who seeks to be fitted for some particular profession or occupation for which facilities of study are not afforded in his own country; one for whose support and maintenance in this country, as a student, provision has been made, and who, upon completion of his studies, expects to return to China."

That is the opinion of the Solicitor of the Treasury of June 15, 1900, in interpretation of the treaty and the present laws. Then this follows:

A Chinese person coming to the United States, applying for admission upon the ground that he intends to study the English language, is not a student within the meaning of the Chinese-exclusion laws—

Those are the old laws under which we have been living, not the proposed law—

which have been decided to exempt as students only those who intend to pursue some of the higher branches of study, or who seek to be fitted for some particular profession or occupation, facilities for the study of which are not afforded in their own country. (Treasury decision 23107.)

The language of the act which the Senator has been criticising so severely is taken, word for word, from the interpretations of the Treasury on the existing law, except that the present bill does not make the restriction in regard to the English language. We do not narrow it as much as the existing Treasury decisions. Now, whether it is right or wrong I am not concerned to argue at this late hour on Saturday afternoon, but I do desire to point out that this bill has not been made hastily out of some one's casual thought. It is based on Treasury decisions, and in that clause we have followed the interpretation of the law officers of the Government and the Treasury Department of the United States as to what the existing laws and treaties mean.

Mr. PLATT of Connecticut. Mr. President, I think the Senator from Massachusetts fairly shows that the proposed statute does not very much extend the rulings of the Treasury Department and the Treasury officials, and that being so, I want every word I have said about this proposed statute to apply to those decisions and those rulings.

Mr. GALLINGER. Mr. President, a single word before the week's work is done. I was interested in the discussion of what could fairly be meant by "teacher." The Senator from Massachusetts, a graduate of one of the distinguished universities of the country, gave an interpretation to it, and I, as a graduate of a little log schoolhouse at a four-corners that is very vivid in my mind, thought I knew something of what the term "teacher"

meant. I wish now to refer to the Standard Dictionary, which is supposed to be a pretty accurate authority in this country, and read what it says about "teacher:"

Teacher. One who teaches or instructs; especially, one whose business or occupation is to teach others; an instructor; preceptor; in an eminent sense, one who has special aptitude for arousing in the minds of pupils those intellectual activities by which knowledge is acquired, and special skill in imparting that knowledge in a clear, thorough, and systematic manner, etc.

That is what "teacher" means, and no man is adroit enough to contort it into meaning what the proposed law says it shall mean.

A single other word. Men in public life are very apt to be misrepresented when they make statements, and especially in a debate such as this. I took exception to what the Senator from Massachusetts said in regard to the Six Companies, but not on the point that I think he particularly meant to emphasize, and that was that they were engaged in fraudulent practices. I do not know whether that is true or not; very likely it is; but what I wanted to take exception to was that the Senator read a circular that the Six Companies, or the consolidated company—because, as a matter of fact, I understand it is but one company—sent out intending to collect money from the Chinese to defend their rights in the matter of legislation in the Congress of the United States.

I said it was not different from what the post-office clerks and the postal clerks and labor organizations were doing, and I simply rose to say that in the observation I made I did not mean to impute any wrong to either the labor organizations or the organizations of postal clerks or post-office clerks. They have a right, as I interpret the matter, to do that very thing, and they would be negligent of their duty if they did not take care of their rights before even the Senate of the United States. I simply wish to make this explanation so as to show that I did not intend by any observation I made to reflect upon anybody. I think the Chinese Six Companies have a right to protect themselves by raising money from the Chinamen in this country, because they have no other means of securing a fund for this purpose.

Mr. President, in the discussion this afternoon the stereotyped suggestion has been made that Chinese women are imported and sold for immoral purposes in the city of San Francisco. That may be true. I venture to say that diligent search will reveal quite as bad a condition in the city of San Francisco among other peoples than the Chinese. It certainly can be revealed in darker New York, according to the statement of Ballington Booth. It can be revealed in the Puritan city of Boston; and we need not go very far from the Dome of this Capitol to discover it in the city of Washington. I do not think that that ought to influence any vote on this very important question.

But I want further to add that I am not opposed to the restriction of Chinese immigration, but I believe that the present statute is drastic enough, thorough enough, comprehensive enough, and that during the pendency of the existing treaty with China, when we are talking about Christianizing that people and extending our trade to the Orient, we ought not by any additional legislation to slap that great Empire in the face. If the advocates of Chinese restriction will agree to allow the stringent law which is on the statute book to-day, known as the Geary law, I believe, to remain there, there will be no protracted discussion on the part of those who take an exception to the proposed law; but if that is not admitted, we shall have something further to say on this question.

Mr. CULLOM. Mr. President, I have not risen to make a speech. I merely desire to say that on Monday morning, after the morning business, if agreeable to the Senate, I will submit some remarks on the pending bill.

In addition, if no other Senator desires to proceed further at this time, I wish to move that the Senate proceed to the consideration of executive business.

Mr. LODGE. I wish to say a word on one single point before the motion is made to go into executive session.

Mr. CULLOM. Very well.

Mr. LODGE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] referred to the case of the importation of women for immoral purposes. We all know that what he refers to is quite true; that that unfortunate class exists everywhere. But the way the Chinese women are brought in is illustrated by the testimony, and it is by relaxation of the law. The law was relaxed to allow the introduction of some Chinese for the Omaha Exposition, and it illustrates the manner in which a relaxation of the law is taken advantage of by certain Chinamen. I read from page 484 of the testimony:

[Translation of intercepted letter to Kam Tong, referring to importation of two prostitutes and sale of one for \$1,850.]

TO KAM TONG.

DEAR NEPHEW: All your highly esteemed favors have come duly to hand. The two prostitutes imported by Tsuey Ng as fair [Omaha Exposition] people have arrived at San Francisco and one already sold for \$1,850. A deposit has already been received; but why is it you have not sent on men for a little time now, such as you get hold of? Tell them they must act immediately.

There is an illustration; and I wish to say to the Senator that the committee is not acting or speaking or intending to act or speak without some knowledge and some testimony as to the evils of a relaxation of the law.

Mr. CULLOM. May I inquire whether the Chinese were invited to that exposition?

Mr. LODGE. There was a relaxation of the law to allow them to come in in connection with Chinese exhibits.

Mr. CULLOM. That is what I supposed.

Mr. LODGE. That was it.

Mr. GALLINGER. Mr. President, I do not for a moment controvert the statement that these two Chinese women were brought here for improper purposes. No Chinese women can get into this country without running a gantlet of sworn Government officials in this country, and it is very probable that occasionally one is smuggled in under some pretense, but that that should be made the foundation of an assault upon the Chinese nation and the Chinese character I do not for a moment admit ought to be allowed. We have some serious problems in that direction confronting us as a nation. We have a serious problem in that connection confronting us to-day in the Philippine Islands, and we would better make clean our own house before we in wholesale manner assault the people of another nation in reference to this regrettable condition.

Mr. CULLOM. I understand the Senator from Indiana [Mr. FAIRBANKS] desires to submit some remarks, and I will yield to him.

Mr. FAIRBANKS. Mr. President, I do not intend to protract the debate at this late hour, but before adjournment I desire to direct attention to Mr. Dunn's statement with respect to the difficulty experienced in having proper certificates viséed by consuls in China. I would invite the attention of my friend, the junior Senator from Vermont, to this:

I have personal knowledge—

Says Mr. Dunn—

I have personal knowledge that, until the past year at least, American consuls would visé any certificate presented to them for that purpose, and that they repeatedly stated that it was impossible for them to know the facts and circumstances which they attested. Minister Conger, when in San Francisco, urgently requested me to visit, assist, and advise his consular force, and the new American consul at Hongkong has made similar requests.

All, however, urge that the Government will assign to them a sufficient number of Chinese inspectors and interpreters to investigate in a more thorough manner the certificates presented for their visé, and it is only by this means that their authentication can be made more than perfunctory.

I have always urged that it was a manifest injustice to Chinese—

In this he agrees with the junior Senator from Vermont and myself—

whether or not entitled to admission, that they should be provided with these certificates without adequate preinvestigation and pay the additional expense of passage to the United States, there to be rejected, in many cases, upon the discovery of the fraudulent character of their claims.

The foregoing was the foundation of my observation a moment ago—that certificates of consuls in China were not, under the circumstances under which they were issued, worthy of the most absolute confidence.

SARAH H. H. LOWE.

Mr. MILLARD. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. Certainly.

Mr. MILLARD. I ask unanimous consent for the present consideration of the bill (H. R. 10117) granting a pension to Sarah H. H. Lowe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Sarah H. H. Lowe, widow of William W. Lowe, late colonel Fifth Regiment Iowa Volunteer Cavalry, and to pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, April 7, 1902, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1902.

PROMOTIONS IN THE ARMY.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

To be judge-advocate-general with the rank of brigadier-general.

Col. Thomas F. Barr, judge-advocate (since retired from active service), May 21, 1901.

Col. John W. Clous, judge-advocate (since retired from active service), May 22, 1901.

Col. George B. Davis, judge-advocate, May 24, 1901.

To be judge-advocates-general with the rank of colonel.

Lieut. Col. Edward Hunter, judge-advocate, to be judge-advocate with the rank of colonel, May 21, 1901.

Lieut. Col. George B. Davis, judge-advocate, to be judge-advocate with the rank of colonel, May 22, 1901.

Lieut. Col. Stephen W. Groesbeck, judge-advocate, to be judge-advocate with the rank of colonel, May 24, 1901.

Maj. Enoch H. Crowder, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, May 21, 1901.

Maj. Jasper Newton Morrison, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, May 22, 1901.

Maj. Edgar S. Dudley, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, May 24, 1901.

CORPS OF ENGINEERS.

Lieut. Col. Garrett J. Lydecker, Corps of Engineers, to be colonel, April 30, 1901.

Lieut. Col. Amos Stickney, Corps of Engineers, to be colonel, May 2, 1901.

Lieut. Col. Alexander Mackenzie, Corps of Engineers, to be colonel, May 3, 1901.

Maj. Thomas H. Handbury, Corps of Engineers, to be lieutenant-colonel, April 30, 1901.

Maj. Henry M. Adams, Corps of Engineers, to be lieutenant-colonel, May 2, 1901.

Maj. Charles E. L. B. Davis, Corps of Engineers, to be lieutenant-colonel, May 3, 1901.

Capt. John Biddle, Corps of Engineers, to be major, April 30, 1901.

Capt. Harry F. Hodges, Corps of Engineers, to be major, May 2, 1901.

Capt. James G. Warren, Corps of Engineers, to be major, May 3, 1901.

First Lieut. James B. Cavanaugh, Corps of Engineers, to be captain, April 30, 1901.

First Lieut. James P. Jervey, Corps of Engineers, to be captain, May 2, 1901.

First Lieut. George P. Howell, Corps of Engineers, to be captain, May 3, 1901.

ORDNANCE DEPARTMENT.

Maj. Almon L. Varney, Ordnance Department, to be lieutenant-colonel, October 15, 1901.

Capt. Ira MacNutt, Ordnance Department, to be major, October 15, 1901.

First Lieut. John W. Joyes, Ordnance Department, to be captain, October 15, 1901.

To be judge-advocates with the rank of major.

John A. Hull, of Iowa, late major and judge-advocate, United States Volunteers, February 2, 1901.

George M. Dunn, of Colorado, late major and judge-advocate, United States Volunteers, February 2, 1901.

John Biddle Porter, of Pennsylvania, late major, Twenty-eighth Infantry, United States Volunteers, May 27, 1901.

Lewis E. Goodier, of New York, late major, Thirty-eighth Infantry, United States Volunteers, June 18, 1901.

Capt. Harvey C. Carbaugh, Artillery Corps, late major and judge-advocate, United States Volunteers, February 2, 1901.

Capt. Frank L. Dodds, Ninth Infantry, United States Army, May 22, 1901.

APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

To be Chief of Engineers with the rank of brigadier-general.

Col. Henry M. Robert, Corps of Engineers (since retired from active service), April 30, 1901.

Col. John W. Barlow, Corps of Engineers (since retired from active service), May 2, 1901.

Col. Geo. L. Gillespie, Corps of Engineers, May 3, 1901.

ARTILLERY CORPS.

Jacob M. Coward, of New Jersey, late captain, Fourth New Jersey Volunteers, to be first lieutenant, September 23, 1901.

Edward L. Glasgow, of Kansas, late captain, Eleventh Cavalry, United States Volunteers, to be first lieutenant, September 23, 1901.

Robert B. McBride, of Georgia, late captain, Third United States Volunteer Infantry, to be first lieutenant, September 23, 1901.

APPOINTMENTS IN THE NAVY.

Dr. Francis M. Munson, a citizen of Delaware, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade).

Walter A. Greer, a citizen of Missouri, to be an assistant paymaster in the Navy, with the rank of ensign.

POSTMASTERS.

George M. Francis, to be postmaster at Napa, in the county of Napa and State of California.

Roy B. Stephens, to be postmaster at South Pasadena, in the county of Los Angeles and State of California.

Nelson B. Stanton, to be postmaster at Avalon, in the county of Los Angeles and State of California.

Kennedy B. Summerfield, to be postmaster at Santa Monica, in the county of Los Angeles and State of California.

Arthur M. Hughes, to be postmaster at Louisa, in the county of Lawrence and State of Kentucky.

John B. Leffingwell, to be postmaster at Braidentown, in the county of Manatee and State of Florida.

Wilfred W. Montague, to be postmaster at San Francisco, in the county of San Francisco and State of California.

Elwyn J. Barrow, to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana.

Byrnes M. Young, to be postmaster at Morgan City, in the parish of St. Mary and State of Louisiana.

Alexander Salomon, to be postmaster at Plaquemine, in the parish of Iberville and State of Louisiana.

E. C. Burns, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania.

Davis P. Gray, to be postmaster at Whitinsville, in the county of Worcester and State of Massachusetts.

William J. Wallace, to be postmaster at Norwood, in the county of Norfolk and State of Massachusetts.

John T. Hammar, to be postmaster at Madison, in the county of Lac qui Parle and State of Minnesota.

John A. Henry, to be postmaster at Janesville, in the county of Waseca and State of Minnesota.

A. E. King, to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota.

Eugene M. Harkins, to be postmaster at Sherburn, late Sherburne, in the county of Martin and State of Minnesota.

Harriet E. Morcom, to be postmaster at Tower, in the county of St. Louis and State of Minnesota.

Edgar B. Shanks, to be postmaster at Fairmont, in the county of Martin and State of Minnesota.

Lewis B. Krook, to be postmaster at New Ulm, in the county of Brown and State of Minnesota.

Eva Demgen, to be postmaster at Virginia, in the county of St. Louis and State of Minnesota.

Harvey G. Wire, to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota.

Lemmon G. Beebe, to be postmaster at Winnebago City, in the county of Faribault and State of Minnesota.

Samuel Y. Gordon, jr., to be postmaster at Brown Valley, in the county of Traverse and State of Minnesota.

George W. Buswell, to be postmaster at Blue Earth, late Blue Earth City, in the county of Faribault and State of Minnesota.

Cassius M. Crane, to be postmaster at Garrettsville, in the county of Portage and State of Ohio.

Julius O. Converse, to be postmaster at Chardon, in the county of Geauga and State of Ohio.

Charles E. Cragin, to be postmaster at Ada, in the county of Norman and State of Minnesota.

Delazon P. Higgins, to be postmaster at Lewisburg, in the county of Union and State of Pennsylvania.

Clyde A. L. Purmort, to be postmaster at Van Wert, in the county of Van Wert and State of Ohio.

Frank Fortune, to be postmaster at Jefferson, in the county of Ashtabula and State of Ohio.

Thomas J. Darling, to be postmaster at Temple, in the county of Bell and State of Texas.

Charles J. Hostrasser, to be postmaster at Hearne, in the county of Robertson and State of Texas.

George W. Schoch, to be postmaster at Mifflinburg, in the county of Union and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 5, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE OHIO RIVER.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read. It provides that the Western Bridge Company, a corporation existing under the laws of the State of Pennsylvania, be, and the same is hereby, authorized to construct, maintain, and operate a bridge across the Ohio River from a point on Preble avenue, in the city of Allegheny, to a point on Shingiss street, in the borough of McKees Rocks, Allegheny County, Pa.; provided, that such location is suitable to the interests of navigation and receives the approval of the Secretary of War and the Chief of Engineers.

The amendments recommended by the committee were read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the last vote was laid on the table.

MANUAL OF SURVEYING.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 2399 of the Revised Statutes of the United States, as amended by act of Congress of October 1, 1890 (Statutes at Large, volume 23, page 650), and act of Congress of August 15, 1894 (Stat. L., vol. 28, p. 285), be further amended so as to read as follows, namely:

"Sec. 2399. The printed manual of surveying instructions for the survey of the public lands of the United States and private land claims, prepared at the General Land Office, and bearing date January 1, 1902, the instructions of the Commissioner of the General Land Office, and the special instructions of the surveyor-general, when not in conflict with said printed manual or the instructions of said Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands of the United States and private land claims."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DALZELL. Mr. Speaker, reserving the right to object, I should like to have the gentleman state what committee of the House has considered this.

Mr. KLEBERG. It is a unanimous report of the Committee on Public Lands. It simply legalizes the manual of surveying instructions to the surveyors-general. It is the usual act that passes from time to time when a new manual is made.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KLEBERG, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT PARKVILLE, MO.

Mr. BOWERSOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3513) authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BOWERSOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORPORATIONS AS SURETY ON BONDS, ETC.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10517.

The bill was read, as follows:

A bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon."

Be it enacted, etc., That section 3 of an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894, be amended so as to read as follows:

"Sec. 3. That every company before transacting any business under this act shall deposit with the Attorney-General of the United States a copy of its charter or articles of incorporation, and a statement signed and sworn to by its president and secretary showing its assets and liabilities. If the said Attorney-General shall be satisfied that such company has authority under its charter to do the business provided for in this act, and that it has a paid-up capital of not less than \$100,000, in cash or its equivalent, and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CONFIRMING TITLE OF CERTAIN LAND TO NEBRASKA.

Mr. BURKETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

The bill was read, as follows:

A bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

Be it enacted, etc., That title be, and is hereby, confirmed to the State of Nebraska to all those certain tracts of land in the O'Neill (Nebr.) land district, aggregating 2,228.09 acres, heretofore selected by the State as indemnity for granted school lands, which selections were approved by the Secretary of the Interior May 22, 1897, in list No. 1, and duly certified to the State of Nebraska by the Commissioner of the General Land Office, but which certification was on May 5, 1899, declared by the Secretary of the Interior to be null and void and ineffectual to convey to the State any right or title: *Provided,* That the State of Nebraska shall not hereafter be entitled to further indemnity for the specific losses accruing to said State in lieu of which said selections were made.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I should like to have an understanding of what this bill does. I could not gather from the expressions of the bill on its face what it does, and I would be glad if the gentleman would explain to us the object and purposes of the bill.

Mr. BURKETT. This bill is to straighten out the title—

Mr. RICHARDSON of Tennessee. Will the gentleman please state what committee has reported the bill?

Mr. BURKETT. The Committee on Public Lands, in a unanimous report.

Mr. RICHARDSON of Tennessee. Has the bill been passed upon by the Land Office?

Mr. BURKETT. The Secretary of the Interior has recommended it.

Mr. RICHARDSON of Tennessee. I would like to have a full explanation of what it does.

Mr. BURKETT. The bill is to confirm title to the State of Nebraska in certain lands indemnifying the State for sections 16 and 36 that the State did not get in accordance with the law admitting the State into the Union. According to a former decision, made several years ago by the Secretary of the Interior—

Mr. RICHARDSON of Tennessee. Will the gentleman tell why it was that the State did not get the lands?

Mr. BURKETT. I can briefly go over it. In 1882 the boundary in the State of Nebraska was pushed north to the forty-third parallel of latitude, between the Missouri River and the Keyapaha River, which included a portion of an Indian reservation. Afterwards this Indian reservation was opened up for distribution and settlement and entry by the act of March 2, 1889. This law contained the following provision:

And when the Indian title to the lands thus described shall be extinguished the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska and subject to all the conditions and limitations provided for in the act of Congress admitting Nebraska into the Union, and the northern boundary of the State shall be extended to said forty-third parallel as fully and effectually as if said land had been included in the boundaries of said State at the time of its admission into the Union?

By the law the State of Nebraska was to have these sections, 16 and 36, just the same as they did in the other territory that originally constituted Nebraska. Section 24 of the 1889 act provided that sections 16 and 36 should be reserved for school purposes. But there was a provision made putting the proceeds of the sale of this land into a trust fund for the Ponca Indians. It was construed in that way, or rather that there was no grant of these lands to the State until the Indian title had been extinguished. A few years later it was held otherwise, that by virtue of the law itself and its acceptance by the Indians they had surrendered it to the United States. Some of these sections 16 and 36 were lost to the State on account of allotment to Indians and other deficiencies. On August 21, 1891, the State of Nebraska filed a list of indemnity lands for these sections thus otherwise taken. On August 29, 1892, the selection was denied by the Commissioner of Public Lands, and the lands were held for cancellation.

The State appealed. On February 24, 1894, the Attorney-General overruled that decision of the Land Department, and held that the State of Nebraska under the law was entitled to the school-land grant subject to the right of occupancy by the Indians, and also held that she had a right to indemnity lands. The list was approved, and on June 7, 1897, the approval was certified to the State. Nebraska took these indemnity sections and afterwards leased and sold them and disposed of them as they did the other public lands.

In 1897, as I have said, this matter was all certified out to the State in the regular way, but in 1899 there were found to be some land inadvertently omitted in list No. 1, formerly filed, and a second list of indemnity land was sent in to the Department. Different Department officers being there, I presume, at the time of the second list being submitted, the Department ruled that Nebraska was not entitled to indemnity land. But all but 101.32 acres had been sold out and leased and was in the hands of innocent purchasers, under the decision of the former ruling that Nebraska had a right to indemnity lands.

Therefore, Nebraska at this time a year ago, or June 5, 1901,

when she made her showing, only had 101.32 acres of the 2,200 acres, and the rest was in the hands of innocent holders. When the Department made the last ruling they said that "in view of the fact that the State may have disposed of some of the tracts since certification an opportunity should be afforded the State or its grantees to obtain relief by legislation, * * * and to this end you will withhold from entry all lands so certified." On the 20th day of January, 1902, the Secretary of the Interior wrote to the Senate committee, setting out the whole matter and recommending that this bill be passed.

Mr. RICHARDSON of Tennessee. I have in my hand the letter from the Secretary, and if the gentleman will have it published with his remarks I will make no objection.

Mr. BURKETT. Well, Mr. Speaker, I ask that the letter from the Secretary of the Interior, and also that of the Land Commissioner, be published with my remarks.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The following are the letters referred to:

DEPARTMENT OF THE INTERIOR, Washington, January 20, 1902.

SIR: I have the honor to acknowledge the receipt, by recent reference from your committee, with a request for views thereon, of a copy of S. 2442, entitled "A bill confirming title to the State of Nebraska of certain selected indemnity school lands."

In answer to the reference I inclose a copy of the report on the bill by the Commissioner of the General Land Office under date of the 18th instant.

He has stated therein that the bill strongly commends itself to favorable consideration, and he has recommended its enactment.

I concur in this recommendation.

Very respectfully,

E. A. HITCHCOCK,

Secretary.

The CHAIRMAN OF THE SENATE COMMITTEE ON PUBLIC LANDS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 18, 1902.

SIR: I am in receipt, by departmental reference for report in duplicate and return of papers, of Senate bill 2442, confirming title to the State of Nebraska of certain selected indemnity school lands.

The lands are described as aggregating 2,228.09 acres in the O'Neill, Nebr., land district, the selection of which was approved May 22, 1897, but the certification thereof declared void May 5, 1899.

I have the honor to report that on August 21, 1891, the State of Nebraska filed its list No. 1 of indemnity school land selections in the O'Neill land district. Said list, so far as it related to selections in that part of the Great Sioux Indian Reservation, added to the State of Nebraska by act of March 28, 1882 (22 Stats., 35), was held for cancellation by this office August 29, 1892, "K," for the reason that the act of March 2, 1889 (25 Stats., 888), providing for the disposition of said lands created a trust fund for the benefit of the Ponca Indians derived from the proceeds of the sale of said lands.

Upon appeal, the Department, February 12, 1894, after mature deliberation, held that the grant of school lands to the State of Nebraska included those lands within the Great Sioux Reservation added to the State by act of March 2, 1882, subject to the Indian right of occupancy, and such right having been extinguished under the provisions of the act of March 2, 1889, the State was entitled to select indemnity within the limits of such reservation in said State for losses sustained therein, and this office was instructed to take such steps as were necessary to carry into effect the views expressed in the adjustment of losses to the State under its school grant (18 L. D., 124).

Accordingly there was submitted to the Department clear list No. 1 of selections aggregating 2,228.09 acres of lands in said reservation, based upon losses occurring in said reservation by reason of allotments to Indians of granted school lands in place or of the appropriation of such lands for military purposes, and for deficiencies occasioned by reason of fractional townships for natural causes.

This list was approved May 22, 1897, and was duly certified to the State under section 2449, United States Revised Statutes, June 7, 1897. July 5, 1898, this office submitted to the Department for approval list No. 2, embracing selections in said list of August 21, 1891, but called attention to the case of South Dakota, reported in volume 26 of Land Decisions, page 347, wherein it was held that lands in the Great Sioux Reservation were subject to disposal under the homestead law only, and that there was no authority vested in the Department to dispose of them except in the manner and for the purpose contemplated by the act of March 2, 1889.

May 5, 1899, the said list No. 2 was returned without approval, the decision of February 12, 1894, was overruled, and it was held that the certification of list No. 1, being contrary to the terms of the statute, and the agreement with the Indians was null and void and ineffectual to convey to the State any right or title; but it was directed that, in view of the fact that the State may have disposed of some of the lands since certification, an opportunity should be afforded the State or its grantees to obtain legislative relief, and directed that said lands be withheld from entry (23 L. D., 358).

From a statement filed by the State authorities June 5, 1901, it appears that with the exception of 101.32 acres all of the lands certified to the State have been sold or leased by the State and that no lease expires before 1919; that said lands have been sold or leased in many instances to persons who have exhausted their homestead rights; that homes have been established on said lands and valuable and lasting improvements placed thereon in the belief that the State had acquired title.

Section 21 of the act of March 2, 1899, supra, provides:

"That each settler under and in accordance with the provisions of said homestead acts shall pay the United States, for the lands so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of: * * * Provided, That all lands herein opened to settlement under this act remaining undisposed of at the end of ten years from the taking effect of this act shall be taken and accepted by the United States and paid for by said United States at 50 cents per acre, which amount shall be added to and credited to said Indians as part of their permanent fund, and said lands shall thereafter be part of the public domain of the United

States, to be disposed of under the homestead laws of the United States and the provisions of this act."

The ten-year period expired February 10, 1900, and an account stated of the disposition of lands at the prices of \$1.25, 75 and 50 cents. There is, therefore, now no question affecting the Indian fund, and as the rights of innocent third parties are affected by the failure of the State's title growing out of the erroneous approval and certification of the State's selection the bill strongly recommends itself to favorable consideration as an equitable adjustment, and I recommend its enactment.

The said bill is returned herewith.

Very respectfully,

BINGER HERMANN,

Commissioner.

The SECRETARY OF THE INTERIOR.

The bill was read the third time, and passed.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I present the privileged report from the Committee on Elections No. 1 in the contested-election case of Horton against Butler. I will call up the resolution at a later day, and I desire now to make some arrangement with the minority for filing their views. How long does the other side want?

Mr. FOX. I think three weeks would be satisfactory.

Mr. TAYLER of Ohio. I have no objection to that. Mr. Speaker, I ask that the other side have three weeks in which to present the views of the minority.

The SPEAKER. The gentleman from Ohio, chairman of the Elections Committee No. 1, presents the privileged report in the contested-election case of Horton against Butler, which will be printed and referred to the House Calendar; and he asks unanimous consent that the minority may have three weeks in which to file their views. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHINESE EXCLUSION.

Mr. HITT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13031, the Chinese-exclusion bill, and pending that motion, I ask unanimous consent that leave to print be given for five days.

Mr. MANN. Make it ten days.

Mr. HITT. Ten days, it is suggested.

The SPEAKER. The gentleman from Illinois asks unanimous consent for general leave to print upon this bill for ten days. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HITT was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair, for the further consideration of the bill (H. R. 13031) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Mr. HITT. Mr. Chairman, before resuming general debate, I would like to make some arrangement with the gentleman from Missouri [Mr. CLARK] in regard to the time requisite for general debate. How much time is desired on the other side?

Mr. CLARK. We would like to have two hours and a quarter on this side.

Mr. HITT. Then I propose that we close debate with two hours to a side.

Mr. CLARK. All right; let it go at that.

Mr. HITT. Two hours on a side, to be divided equally, the time to be controlled on this side by myself and on the other side by the gentleman from Missouri [Mr. CLARK].

The CHAIRMAN. The gentleman from Illinois asks unanimous consent of the committee that general debate cease at the end of four hours, two hours of which is to be controlled by himself and two hours by the gentleman from Missouri [Mr. CLARK]. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, intimately connected with the subject-matter of this bill is the consideration of the proposition involved in a pending amendment to compel the ships of our merchant marine trading to the ports of the United States and with foreign countries to employ none but American seamen, or, in other words, to keep out of employment all Chinese. For my own part, with some knowledge of the situation of our shipping interests upon the Pacific Ocean side of the country, I shall oppose that amendment, if present when it shall be offered, and upon a cognate question I shall at once extend my remarks, under the order of the House, so that members will have the opportunity to see the direction in which my remarks are pointing.

[London Daily Mail, January 23, 1902.]

SHIPPING SUBSIDIES.

In British commercial circles interest in trans-Atlantic development is centered for the moment in the question whether the shipping subsidies bill will pass into law or not. Americans frankly recognize that, unaided, their shipping has little chance against our own. The American sailor is more expensive, and American ships cost more to build. Up to now all the strenuous efforts to galvanize American shipping into new life have had but little result. But with the passage of the shipping bill all this will be changed.

Leading shippers in the port of London say that with the passing of the American subsidies bill much trade will pass from under the British flag unless special legislation is framed to meet the new situation. The only legislation that could do this would be the imposition of a special tax on subsidized steamers using our ports; and there is no prospect of such a law being even seriously discussed. Yet we may before long find the story of our bounty-killed sugar trade repeated with our shipping.

[London Daily Mail, February 26, 1902.]

SHIPPING SUBSIDIES.

The question of shipping subsidies, now brought to the front by the American bill, continues to excite much interest. Some of the best-known shipowners, whose views were requested, have submitted them, although withholding their names. The head of a prominent house in the North writes: "The effects of the United States bill will be (1) to stimulate American shipowners engaged in the liner trades of the North Atlantic, and thereby to hit hard the British lines in that trade; (2) British lines in other trades will feel its effects remotely; (3) British tramps are not likely to suffer to any appreciable extent. Their existence as payable property under our flag depends on such economic building and working as is at present impossible in the States. It has been estimated (with some degree of care) that three-quarters of British tonnage are tramps."

A London house of shipowners is frankly pessimistic. "In our opinion," it writes, "if this bill passes into law as it stands at present, there will be an end to our freight trade. The one thing, then, left for us to do will be to sell our ships to the triumphant Yankees as soon as possible. The action of some who sold out to Mr. Pierpont Morgan and others some time ago was severely criticised. They certainly knew what they were about and made an excellent bargain."

"It is too late to talk vaguely of remedies," the shippers continue. "If our Government had the slightest perception of the supreme importance of commercial matters, there might still be some hope of some thorough and immediate action to meet the threatening state of affairs. But no real man of business would now look in that direction for any help whatever. A bounty to English ships, subsidizing them as much as their rivals are now subsidized, is the only rational answer to America's move."

Any endeavor to learn from British shippers the result the American bill will have on us meets with most contradictory opinions. All are agreed that our trade will suffer, but it is by no means clear if the loss will come on our passenger or cargo boats. Yet it may be remembered that when the French and German subsidies were enacted men then prophesied that the fleets of other nations would sweep the seas. This has not come to pass; and in our coastwise trade at least we are impregnable.

[London Daily Mail, February 19, 1902.]

IS BRITISH SHIPPING IN DANGER?

Will the new American shipping subsidy bill seriously affect British commerce? Our steamship trade is one great national industry which American competition has not up to now been able seriously to injure. The strenuous endeavors of the Americans to build a great mercantile marine have so far failed. The figures on this point are conclusive. The latest American statistics, giving full returns for last year, show that during that time more than one-half of the imports to the United States brought there on steamships came under the British flag, and two-thirds of the exports were taken out by British ships. Of 1,255,000,000 tons of exports, 846,000,000 were conveyed out on British vessels, as against 65,000,000 on American. Of 794,000,000 tons of imports, 82,000,000 were carried in American steamships as against 428,000,000 in British ships.

The reason England has held the shipping trade is because this country can build ships cheaper and better than any other, and our shipping is cheap to manage. The figures given by Mr. B. J. Baker, of the Atlantic Transport Company, some little time ago settled all controversy about the cheapness of British shipbuilders, the British vessels being about 25 per cent below American in price. The cost of operation is also less, and the difference based on the wages of the crews alone leaves an average of about 6 shillings a ton per ship per annum in favor of English. Taking the capitalized cost of the vessels and the price of running, the lessened expense in favor of English ships works out at about a sovereign a ton per year.

THE AMERICAN SUBSIDIES.

Senator FRYE, who is responsible for the new American shipping subsidy bill, proposes a rate which will largely counteract this difference. He proposes to give a bounty of a halfpenny per gross ton per 100 nautical miles sailed to American-built and American-run ships. In the case of first-class vessels, this will completely counterbalance the present British advantage.

Senator FRYE himself expects certain definite and immediate results from his bill if, as seems likely, it passes into law. He believes it will lead to the construction of vessels of large carrying capacity. By this means it is hoped the Americans will be enabled to undersell the British. He expects that the chief triumphs at first will be in the Pacific rather than in the Atlantic Ocean, and calculates that there the Americans will be able to appropriate the long sea markets. Mail steamers will receive special consideration.

BRITISH HOPES AND FEARS.

Some of our great English shipowners express confident anticipation that the bill will not pass through Congress in its present form, but the mass of our shipping trade appears indifferent to the matter. Yet it is plain, on the face of it, that this bill, if it passes through Congress, will affect not only the direct American trade, but many others. Our shipping to-day is nearing its hour of crisis. The only remedy shipowners at the present moment have to propose is that American ships should be fined the amount of their subsidy when entering the British ports. This remedy is impracticable, and even if it could be carried out would not meet the situation.

British shipowners are by no means united in considering subsidies a blessing. This country has had its experience of subsidies. All the mail steamers receive special grants from the Government, but in consequence they are bound down by very strict rules. A vessel must sail on a certain date and must arrive on a certain date, no allowance being made for storms. No delay through drunken stokers can excuse delays in sailing. If only 3 or 4 hundredweight of cargo arrives in the period the ship has to spare, the owner dare not wait, though tons may be coming a day or two later. This has led to the evolution of fast boats, carrying only a picked cargo, at much higher rates, and this may be taken as indicating what subsidies will do for our rivals. All the British shipowners as a body ask for is fair play, equal treatment, and freedom from governmental restrictions, whether British or foreign.

THE BOARD OF TRADE AND SHIPPING.

One large British shipowner writes that the one thing necessary to be done is to remove from our ships what he calls the "hampering ineptness of the

board of trade." He gives several instances. He complains of the system of sending surveyors down to report for licenses to carry passengers. He says that these surveyors are ex-trade-union men, unfavorable to shipowners, and the fees are very high in the case of a ship of moderate size, running from 15 to 20.

The shipowner complains, secondly, of the Plimsoll line, which he describes as an anomaly. "Plimsoll's sole experience was a voyage from London to Dundee. Every practical shipowner knows how far he can load his ship with safety. In many cases this is far deeper than the Plimsoll line allows. In other cases the line gives him more than is consistent with security. Obeying the law, the owner has to make up his loss in the one case by loading the other ships lower than he otherwise would. The line takes only the depth of hold into consideration, while there are several other things more important, such as the shape of the ship and her sea-going capacity."

Then come hampering regulations about provisions and stores. "Their effect is to tempt owners to send out ships with a minimum load by law. This does not apply to large ships with the refrigerator appliances, where men are fed on fresh meat all through the voyage. The board of trade requirements as to ventilation have, as all shippers have agreed, caused the loss of many vessels. The ventilators are easily snapped off by heavy seas, leaving holes in the deck which, when further seas are shipped, make the vessel less able to recover. On the grain-trade ship these ventilators do much harm, and the necessity of having them has lost a great portion of the American grain trade to English vessels."

[Mr. JETT addressed the committee. See Appendix.]

Mr. GILLET of Massachusetts. Mr. Chairman, there was a unanimous opinion in the Committee on Foreign Affairs in favor of a law which shall effectively exclude all Chinese laborers from entrance to the United States, and I think the same opinion is held almost as unanimously by this Congress and is general throughout the country. So the only question before us is how to best express in law this opinion. The majority of the committee has reported a bill which represents long labor and much investigation, and which had as its basis the bill which the minority now presents as a substitute. If the opinion of the minority is correct, then all the labor expended in perfecting and improving and amending their bill has been wasted.

The minority report states as the main reason for preferring their bill that it is the one presented and desired by the people on the Pacific coast and the labor organizations. But that argument proves too much, for if it is valid the minority ought to have reported the original bill which those organizations presented instead of the form amended and corrected in committee which they present. The truth is the bill first presented was so crude and had so many uncounted expressions and contradictions and uncertainties that it was necessary to introduce many changes, and the only question is whether the few changes which the minority allow make as perfect a bill as the many changes recommended by the majority.

I do not mean to reflect on the original framers of the bill, for I suppose the fact is, as the bill itself indicates, that it was not framed by any one person, but was a composite production in which the suggestions of many minds were mingled and combined, with the result that it lacked uniformity and exactness. This the committee has endeavored to remedy, and while it has very much improved the bill in language and legal exactness, I do not think it has at all lessened its stringency in excluding Chinese laborers. I do not think, however, that the history of our past legislation confirms the statement of the minority that those who had most experience with Chinese are the best fitted to frame legislation, for I think the chapter of Chinese-exclusion laws passed under the compulsion of Pacific politics is one which is not creditable to the American nation. The purpose to be accomplished, which was to exclude laborers, I believe, was wise and necessary, but the methods pursued were injudicious and improper. It is curious, in looking back over the last thirty years, to see what changes in public opinion time has made on this question.

It was only in 1868 that the United States took great pride in seeing a Chinese embassy come here under the leadership of an American citizen, Anson Burlingame, and take its place among the other great nations of the world with a treaty of mutual concessions. It was felt then that this young Republic was acting as the sponsor of this oldest empire in the commencement of a new era which should bring to it the civilization and progress of the century, and we felt that we should be their teachers in the path of honor and progress. In that treaty it was stated that both the United States and China—

Cordially recognize the inherent and inalienable right of man to change his home and religion, and also the mutual advantage of the free migration and immigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

That was in 1868. In a few years, however, the threatened swarm of cheap Chinese labor frightened us, and we were anxious to avoid this mutual privilege of migration agreed upon in the treaty, and asked China to frame another treaty limiting this right, which she reluctantly agreed to, and in 1880 a treaty was framed yielding to us the right to regulate, limit, or suspend the immigration of Chinese laborers, but forbidding us to prohibit it.

As years went on, however, this was found to be inadequate for our protection, and we endeavored to secure a treaty from China allowing us absolutely to prohibit the immigration, which, however, she refused, whereupon Congress passed an act in open and flagrant violation of the treaty with this power to whom we expected to be a teacher in ethics and morality, and although our treaty with them expressly said that we should not prohibit Chinese laborers, a statute was passed whose title used the very forbidden word, and stated its object "to prohibit the immigration of Chinese laborers."

It has always seemed to me that such an act, framed in intentional violation of the treaty, was unworthy of Congress, and especially so when dealing with a nation which we had undertaken to lead into the path of a higher civilization. I do not think that when treaties become unendurable they must forever be observed, but I think the manly and honorable way is to abrogate them with due notice and not insultingly disregard them; and I think China has ever since had a just grievance against the United States. She yielded, however, and in 1894 agreed upon a treaty which gives us the right to prohibit the entrance of Chinese laborers; and it is by virtue of that treaty that the present act is drawn.

It is intended to absolutely prohibit the entrance of Chinese laborers. To effect that would seem easy, but experience has shown that there are organizations which find it worth while to pay hundreds of dollars for the successful smuggling in of a single laborer, and devices have been resorted to and frauds invented to circumvent the law which make elaborate precautions necessary. This causes difficulty in framing an effective law and explains many provisions which seem unreasonable and hard. I think in the minority bill there still remains some unreasonable provisions. While we wish to keep out all laborers, it is not only a wise policy for us to allow Chinese merchants free access to this country, but that right is specially guaranteed by treaty, so it would be both unwise and illegal for us to interfere with it, and I think that the provisions for admitting the exempt classes are too severe in both bills and ought to be moderated.

I think we can safely detect the fraudulent merchant without frightening away the genuine merchant. We are all looking to the East as a profitable market. We hope in the coming years to find there a large outlet for our surplus products, and also a field for our inventions, and that we may take a large part in the development there of the materials of the new civilization. To do this our mutual intercourse, particularly mercantile, should be as free and unhampered as possible; and yet under either bill, as it is now framed, no agent of a China commercial house could enter the United States at all for the purpose of either buying or selling goods. Such an exclusion seems to me not only of doubtful validity under the treaty, but also clearly unwise and impolitic, and tending to restrict at the outset our trade with China, to excite against us unfriendly feelings which will throw trade to our competitors, and to make it difficult for even those who wish to trade with us to do so.

I think that all classes except laborers ought to be admitted here freely, and with only such regulations as will insure against a laborer fraudulently personating them. It seems to me we should be abundantly protected by simply extending the provisions of the existing laws, including the law of 1888, whose present validity is doubtful, until the expiration of the treaty. At present the Chinese here are steadily diminishing in number. Their immigration under the present law is not a menace, and its extension would create no new antagonism in China, would not interfere with our trade relations there, and would satisfactorily accomplish all that anyone openly aims at—the thorough exclusion of Chinese laborers. To-day, under existing laws, the Chinese problem is not the one most dangerous to our labor or to our population.

There is a vast immigration to our Atlantic ports much more dangerous to us, in my opinion, than the small number of Chinamen who are smuggled in. The vicious and degraded and ignorant immigration from Southern Europe, which has been increasing recently so largely, seems to me much more deserving of attention and legislation than the handful of Chinese. Under our recent prosperity it has largely increased, and although we are now so large that it is absorbed without attracting immediate attention, yet it is surely lowering the average of our citizenship, lowering the value of our labor, and lowering the standard of our living and of our intelligence. A stricter immigration law, which will apply not only to Chinese, but to all other peoples whose coming degenerates us, is to my mind one of the most urgent and imperative duties of this Congress. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARKER having taken the chair as Speaker pro tempore, a message from the Senate, by

Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10363. An act to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina; and

H. R. 13360. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service.

CHINESE EXCLUSION.

The committee resumed its session.

Mr. OTJEN. Mr. Chairman, this bill now under consideration by the House, and which has been favorably reported by the Committee on Foreign Affairs, is intended to continue in force the laws excluding Chinese laborers from coming to this country and also to apply those laws to our insular possessions. It has been the aim of the Committee on Foreign Affairs not alone to reenact the present exclusion laws, but also to strengthen them in all essential provisions for the purpose of securing a more certain and efficient enforcement of the same.

This bill should be so framed that it will absolutely prohibit the coming to our shores of Chinese laborers, yet we should not place unnecessary burdens or humiliating conditions upon those classes desiring admission, who, by the treaty made between this country and China, are expressly permitted to come here. China is entitled to the same fair deal and honorable treatment as is accorded to any other nation. We should endeavor to establish friendly relations and encourage the growth of trade and commerce with that country. Such growth in trade and commerce will be mutually beneficial to both nations. China in the near future, it seems to me, presents great commercial possibilities, at least until she has developed her home resources. Not only should a due regard for our growing trade and commerce with this great nation inspire friendly relations and fair dealing, but national honor requires it. Any other course would be a violation of that comity which exists between all nations and should exist between this country and China, and it would be a violation of our solemn treaty obligations.

Labor leaders and all other persons who appeared before the Committee on Foreign Affairs in behalf of this bill agree that unnecessary restrictions should not be placed upon the exempted classes desiring admission to the United States. No one advocates the placing of annoying or harsh conditions upon the exempted classes seeking admission to our shores, but such provisions and safeguards must be placed around their admission as experience has shown to be necessary to prevent Chinese laborers from gaining admission under the pretense of belonging to the exempted classes. Our right to absolutely prohibit the coming here of Chinese laborers can not be questioned. By treaty made between the United States and China, proclaimed by the President of the United States on December 8, 1894, China expresses a "desire to prohibit the emigration of such laborers from China to the United States."

Article I of said treaty reads:

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratification of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

This treaty therefore gives us a clear right to exclude this class of Chinese. The immigration of Chinese to this country commenced about fifty years ago. A book entitled "Chinese in California" states:

On the 1st of January, 1850, having been attracted by the gold, there were in California of Chinese 789 men and 2 women. In January, 1851, there were 4,018 men and 7 women; in May, 1852, 11,780 men and 7 women. At this time the State tried to stay the current of immigration by imposing a tax as a license to mine. In 1868, when the Burlingame treaty was ratified, there had arrived in California about 80,000 Chinese.

In 1880 the United States census gives the number of Chinese within our borders as 105,465. The census of 1890 gives the number in the United States proper, Alaska, and Hawaii at 126,778; 31,663 of these were in Alaska and Hawaii, and 12,360 of this number were Japanese in Hawaii.

According to the census of 1900 there were 119,050 Chinese in the United States proper, Alaska, and Hawaii.

Of the 119,050 Chinese returned at the Twelfth Census, 25,767 were enumerated in Hawaii, 3,116 in Alaska, 304 at military and naval stations abroad, and 89,863 in the United States proper. As to the number of Chinese in the Philippine Islands, Governor Taft states in his testimony before the Committee on Immigration of the Senate that—

There are 50,000 in the city of Manila. That would be one-sixth of the population of Manila. That proportion to the population is not maintained through the islands. Indeed, I should be very much surprised if any proper census showed more than 250,000 Chinese in the whole archipelago, and my judgment is there are not more than 150,000.

The landing upon the Pacific coast of an ever-increasing number of Chinese laborers, the great bulk of whom located in California, and who by their cheap methods of living supplanted our own laboring people, creating a hatred against them, finally resulted in disorder and riots. The ever-increasing stream of Asiatic hordes landing upon the Pacific coast seriously alarmed the people of California, they believing that unless this tide was checked they were threatened with a serious menace, and in response to their earnest appeal Congress enacted the first Chinese-exclusion law, dated May 6, 1882, suspending the coming to the United States of Chinese laborers for a period of ten years.

This character of legislation is unusual; it is not directed against any nation in the world excepting China. It is, therefore, proper that this House should offer some reasons for this unusual action, some reasons for its justification.

To permit the coming here of an alien race, and to place them side by side with our own people, a race whose social plane is so radically different, whose standard of living is so much lower than our own, a race which can never be assimilated, can not but bring deplorable and disastrous results.

Along this line it may be interesting to note the statement of the imperial Chinese consul-general in San Francisco. He says:

They work more cheaply than whites; they live more cheaply; they send their money out of the country to China; they have no intention of remaining in the United States, and they do not adopt American manners, but live in colonies and not after the American fashion.

I doubt if anyone will seriously contend that this alien race can be assimilated with our own. That they can not, it seems to me, may reasonably be taken as a conceded fact. The great Chinese Empire, with its 400,000,000 of people, can pour into our country 10,000,000 of her laboring people, and not know that a single person has left its shores. If we permit the vast hordes of China to come here we will, by their cheap living and low standard of wages, supplant our laboring people; yes, will do worse than that, will reduce them to degradation and want. Will anyone doubt this?

Let me read you a few extracts from opinions by experts and students of this Chinese question. England's expert agent, Mr. Bourne, after a careful and extensive inquiry in China, says the truth is:

That a man of good physical and intellectual qualities, regarded merely as an economic, is turned out cheaper by the Chinese than by any other race. He is deficient in the higher moral qualities, individual trustworthiness, public spirit, sense of duty, and active courage—a group of qualities, perhaps, best represented in our language by the word "manliness"—but in the humble moral qualities of patience, mental and physical, and perseverance in labor he is unrivaled.

Mr. Wildman, our late consul-general at Hongkong, says:

No occidental can comprehend the full measure of Chinese economy. It is an art and a science that has been perfected through the centuries. * * * Two cents a day is a fair estimate per head of what it costs to feed 300,000,000 of China's 400,000,000. * * * Absence of nerves and ability to suffer is a God-given gift, and makes the Chinese equal to an existence that would blot out European civilization in two generations. One can not but wonder if in the struggle for the possession of the earth that is now taking place, the white man of "nerves" may not in the end go down before the yellow man without "nerves."

Mr. Kipling, after a close study of the Chinese people, says that they are "a people without nerves as without digestion, and, if reports speak truly, without morals."

He further says:

There are three races who can work, but there is only one that can swarm.

These people work and spread. They pack close and eat everything, and they can live on nothing.

And again he says:

They will overwhelm the world.

He also says that when they come in competition with the Hindoo and the Japanese, even these people with their low standard of living are compelled to give way and can not compete with the Chinese, who stand upon a still lower social plane.

Similar views are entertained by innumerable other experts on this question. The two races can not live side by side; one or the other must go under. Can anyone fail to see that there would spring up strife and hatred between the two races, resulting in disorders, riots, and bloodshed? This being so, are we not justified in preventing such a state of affairs, not alone for the best interests of our people but also for the best interests of the Chinese people?

There is, however, a greater reason why Chinese laborers should be absolutely prohibited from coming here, and that is that by their low social standard and cheap living they become a serious menace to the welfare of our laboring people, supplanting them in their employment, and unless their admission is prohibited will reduce them to degradation and want. I hope the day will never come when our laboring people will be reduced to a social plane that will compel them to compete with the degraded hordes of China. It has been the principal glory of our country that the masses of our people—the laboring people—have been reasonably prosperous and have enjoyed some of the comforts of life common to our times and country, and have also been enabled to educate their children and to properly fit them for American citizenship. The moment that you reduce the laboring people of this country to poverty and want by the policy of permitting the degraded hordes of China to come here and to supplant them, or by any other policy, then, when that day comes, the chief glory of our country will have gone.

I am aware that there are some people who have no sympathy for these exclusion laws, who condemn all labor organizations and labor leaders. We hear them apply to labor representatives epithets such as "agitator" and "demagogue." It may be true that some labor leaders have not been wise in the discharge of the sacred trust committed to them by their fellow-men; but, Mr. Chairman, the labor leader who works honestly and faithfully for the best interests of the people he represents is not an agitator, is not a demagogue, but is a public benefactor.

It is not enmity toward the Chinese race as such that induces the enactment of these laws; these restrictive laws spring from the highest motives of self-preservation, a God-given law. They are necessary for the preservation of the masses of the American people; for our civilization itself. The moment you reduce the high and intelligent standard of the laboring people of our country that moment you reduce the standard of our nation as a whole.

The working people of this country unanimously demand this legislation. Their representatives have appeared before the Committee on Foreign Affairs, and have earnestly pleaded for the enactment of these laws. Thousands of petitions have been received by this House from labor organizations located in all parts of the country praying for the passage of this bill, and that Congress express in unmistakable terms its determination to protect them from this threatened and most serious menace to their welfare.

Mr. Chairman, I ask this legislation in the name of the laboring people of this country, that class of our people whose welfare in the past has made us one of the greatest and most progressive nations in the world. [Loud applause.]

APPENDIX.

Merchandise imported into and exported from the United States to China, 1892 to 1901.

	Year ending June 30—									
	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.
Imports:										
Free	\$15,936,431	\$15,469,945	\$13,348,786	\$16,958,428	\$18,195,233	\$17,288,264	\$15,120,790	\$8,230,760	\$14,496,283	\$7,764,244
Dutiable	4,551,800	5,166,590	3,786,242	3,587,401	3,827,771	3,115,598	5,205,646	10,388,508	12,400,643	10,539,462
Total	20,488,291	20,636,535	17,135,028	20,545,829	22,023,004	20,403,862	20,326,436	18,619,268	26,896,926	18,303,706
Exports:										
Domestic	5,663,471	3,900,457	5,858,488	3,602,741	6,021,136	11,916,888	9,962,070	14,437,422	15,213,285	10,287,312
Foreign	26	3,938	1,099	797	7,545	824	56,018	45,882	118,522
Total	5,663,497	3,900,457	5,862,426	3,603,840	6,021,933	11,924,433	9,962,894	14,493,440	15,259,167	10,405,834

Total value of imports (merchandise only) into China, distinguishing principal countries whence imported, 1890-1900.

Countries.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>
United Kingdom.....	24,608,000	29,628,000	28,870,000	28,156,000	29,944,000	33,960,000	44,571,000	40,016,000	34,962,000	40,161,000	45,467,000
Hongkong.....	72,057,000	68,156,000	69,817,000	80,891,000	82,424,000	88,191,000	91,357,000	90,126,000	97,214,000	113,096,000	98,847,000
India.....	10,300,000	12,473,000	13,861,000	16,740,000	19,929,000	16,944,000	23,027,000	20,088,000	19,136,000	31,911,000	16,816,000
Straits Settlements.....	1,772,000	1,769,000	1,920,000	2,448,000	2,333,000	2,536,000	3,240,000	2,555,000	2,620,000	3,646,000	2,625,000
Australia and New Zealand.....	226,000	110,000	320,000	108,000	362,000	409,000	585,000	81,000	221,000	273,000	518,000
South Africa and Mauritius.....				2,000	1,000						
British North America.....	612,000	935,000	695,000	1,311,000	1,073,000	1,561,000	2,148,000	6,504,000	1,965,000	1,209,000	654,000
Total British Empire.....	109,575,000	113,071,000	115,483,000	129,656,000	136,066,000	143,601,000	164,928,000	159,651,000	156,118,000	195,206,000	159,927,000
United States.....	3,676,000	7,732,000	6,062,000	5,444,000	9,263,000	5,093,000	11,930,000	12,440,000	17,163,000	22,280,000	16,724,000
Continent of Europe.....	3,158,000	5,265,000	5,519,000	5,920,000	6,629,000	9,394,000	11,464,000	11,800,000	10,853,000	13,407,000	14,510,000
Russian Manchuria.....	211,000	181,000	160,000	179,000	200,000	110,000	193,000	207,000	290,000	289,000	137,000
Japan.....	7,389,000	5,705,000	6,702,000	7,852,000	9,130,000	17,195,000	17,380,000	22,564,000	27,376,000	35,897,000	25,733,000
Macao.....	4,271,000	3,656,000	3,179,000	2,864,000	3,093,000	3,076,000	3,985,000	3,515,000	3,348,000	3,409,000	2,238,000
Philippine Islands.....	38,000	48,000	44,000	26,000	82,000	17,000	17,000	76,000	14,000	22,000	13,000
Cochin China, Tonquin, etc.....	342,000	250,000	200,000	1,213,000	1,091,000	1,406,000	1,000,000	503,000	923,000	1,611,000	986,000
Siam.....	95,000	30,000	37,000	159,000	81,000	43,000	194,000	42,000	206,000	67,000	6,000
Java and Sumatra.....		37,000	21,000	4,000	7,000		5,000	679,000	1,445,000	629,000	600,000
Other countries.....	5,000	36,000	16,000	10,000	4,000	62,000	517,000	757,000	1,000,000	842,000	1,237,000
Total..... (haikwan taels)	128,758,000	136,011,000	137,423,000	153,327,000	165,646,000	179,947,000	211,623,000	202,829,000	209,579,000	264,748,000	211,070,000
Total..... (dollars)	162,517,501	162,716,294	145,595,947	146,900,169	128,894,119	143,216,229	171,641,455	158,207,000	146,077,000	191,148,000	148,383,000

*Items by countries are gross or general imports. The totals represent net imports or imports for consumption. The items therefore exceed the totals given.

Total value of exports of domestic produce (merchandise only) from China, distinguishing principal countries to which exported, 1890-1900.

Countries.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>	<i>Hk. taels.</i>
United Kingdom.....	13,095,000	13,772,000	10,476,000	11,668,000	11,500,000	10,571,000	11,282,000	12,945,000	10,716,000	13,933,000	9,356,000
Hongkong.....	32,931,000	37,708,000	40,701,000	48,290,000	50,794,000	54,775,000	54,063,000	60,402,000	62,084,000	71,846,000	63,962,000
India.....	1,056,000	1,563,000	1,403,000	2,735,000	2,543,000	2,764,000	2,176,000	1,046,000	1,324,000	1,731,000	2,865,000
Straits Settlements.....	1,465,000	1,379,000	1,404,000	1,792,000	1,923,000	1,887,000	1,739,000	1,858,000	2,152,000	2,232,000	2,435,000
Australia and New Zealand.....	1,265,000	1,197,000	1,626,000	1,048,000	938,000	1,212,000	688,000	537,000	914,000	670,000	861,000
South Africa and Mauritius.....	215,000	190,000	215,000	222,000	198,000	273,000	336,000	202,000	286,000	237,000	224,000
British North America.....	455,000	519,000	159,000	298,000	154,000	233,000	427,000	299,000	368,000	280,000	458,000
Total British Empire.....	50,512,000	56,328,000	55,984,000	66,053,000	68,050,000	71,715,000	70,701,000	77,289,000	77,844,000	90,939,000	80,161,000
United States.....	8,165,000	9,084,000	10,785,000	11,726,000	16,443,000	15,383,000	11,124,000	17,828,000	11,987,000	21,686,000	14,752,000
Continent of Europe (except Russia).....	11,630,000	14,899,000	17,167,000	15,855,000	10,119,000	21,172,000	18,077,000	25,878,000	25,929,000	36,764,000	24,977,000
Russia in Europe.....	3,712,000	5,777,000	1,955,000	3,088,000	3,370,000	4,472,000	4,226,000	3,927,000	5,005,000	5,343,000	6,300,000
Russia in Asia.....	4,528,000	4,494,000	4,063,000	5,096,000	6,297,000	8,370,000	8,316,000	9,470,000	9,796,000	9,988,000	832,000
Russian Manchuria.....	616,000	918,000	1,025,000	1,251,000	1,356,000	2,761,000	2,325,000	3,014,000	2,997,000	3,226,000	5,151,000
Japan.....	4,832,000	5,801,000	8,054,000	9,338,000	9,256,000	14,822,000	11,379,000	16,627,000	16,093,000	17,251,000	16,938,000
Macao.....	1,846,000	1,919,000	1,685,000	2,046,000	1,684,000	1,739,000	2,223,000	5,894,000	5,382,000	5,824,000	4,710,000
Philippine Islands.....	221,000	233,000	161,000	178,000	205,000	161,000	128,000	132,000	86,000	62,000	114,000
Cochin China, Tonquin, etc.....	153,000	209,000	197,000	255,000	526,000	500,000	412,000	532,000	781,000	946,000	1,303,000
Siam.....	332,000	358,000	345,000	362,000	500,000	569,000	536,000	641,000	699,000	904,000	715,000
Java and Sumatra.....	230,000	370,000	433,000	542,000	563,000	532,000	370,000	420,000	847,000	355,000	333,000
Turkey in Asia, Persia, Egypt, Algeria, Aden, etc.....	366,000	668,000	730,000	891,000	736,000	459,000	746,000	1,847,000	2,092,000	2,497,000	2,605,000
Other countries.....	1,000					638,000	478,000	2,000			16,000
Total..... (haikwan taels)	87,144,000	100,948,000	102,584,000	116,632,000	128,105,000	143,293,000	131,081,000	163,501,000	159,037,000	195,785,000	158,997,000
Total..... (dollars)	109,997,500	120,767,064	108,863,554	111,744,573	99,680,520	114,041,561	106,318,426	127,531,000	110,849,000	141,357,000	111,775,000

CONVENTION OF DECEMBER 8, 1894.

[Signed at Washington March 17, 1894. Ratification advised by the Senate August 13, 1894. Ratified by the President August 22, 1894. Ratified by the Emperor of China in due form. Ratifications exchanged at Washington December 7, 1894. Proclaimed December 8, 1894.]

Whereas on the 17th day of November, A. D. 1880, and of Kwanghsü, the sixth year, tenth moon, fifteenth day, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to cooperate in prohibiting such emigration and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his plenipotentiary, and His Imperial Majesty the Emperor of China has appointed Yang Yü, officer of the second rank, subdirector of the court of sacrificial worship, and envoy extraordinary and minister plenipotentiary to the United States of America, as his plenipotentiary; and the said plenipotentiaries having exhibited their respective full powers, found to be in due and good form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

ARTICLE II.

The preceding article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement. Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return, which facts shall be fully reported to the Chinese consul at the port of departure and by him certified to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

ARTICLE III.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the government where they last resided, viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880 (the 15th day of the tenth month of Kwanghsü, sixth year), it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

The Government of the United States, having by an act of Congress approved May 5, 1892, as amended by an act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first-named act to be registered, as in said acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled (not merchants as defined by said acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this convention, and annually thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or traveling in China upon official business, together with their body and household servants.

ARTICLE VI.

This convention shall remain in force for a period of ten years, beginning with the date of the exchange of ratifications, and if six months before the expiration of the said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A. D. 1894.

WALTER Q. GRESHAM. [SEAL.]
(Chinese signature.) [SEAL.]

Mr. HOOKER. Mr. Chairman, I desire to say, as a member of the committee, a few words upon the question embodied in the majority report and the minority report.

It is said, Mr. Chairman, that history often repeats itself. In this case, as between the United States and China, we must reverse the adage and declare that history often reverses itself. A brief recital of the treaty formed and the provisions contained therein will show it. I say that history is now reversing itself; and while we are holding out our hands and begging for the trade of the Orient, we are at the same time saying to the people of this great Empire, "We do not want you to come to our country."

That is the English of the position now taken; and that is the reverse of what the position was when we first sent out commissioners to China to beg for a treaty with them. That was in 1868, Mr. Chairman, when we sent Burlingame and Stanton, two distinguished diplomats of our country, to negotiate a treaty with the Chinese. They accomplished it. They broke down the Chinese wall, so that the commerce of this country was permitted to go to China and the commerce of China permitted to come back to this country.

The greatness of the work thus accomplished was recognized throughout the country in general, but especially in California, where these gentlemen received on their return from China probably the greatest ovation that was ever paid to any two men in America. They had accomplished the great feat which had been thought impossible—the breaking down of the Chinese wall and the opening up of commerce between our country and China. They were taken off the cars at Pittsburg, Pa., and given an ovation. They were complimented everywhere for their wonderful feat. They received the same sort of greeting when they landed at the capital—in the city of Washington.

We were the supplicants for the treaty. We asked to have it framed, and China consented. Mr. Chairman, let us look at some of the provisions of this treaty. As I am suffering from a severe cold, I send to the Clerk's desk to be read section 1 of that treaty.

The Clerk read as follows:

SECTION 1. That whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interest of that country or to endanger the good order of said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Mr. HOOKER. Mr. Chairman, that is the first clause of this treaty. I will refer to subsequent clauses and show what the character of the treaty was and what its provisions were. I might as well have read now the fourth and fifth clauses of this same treaty, commonly known as the Burlingame treaty.

The Clerk read as follows:

ART. IV. The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States shall enjoy entire liberty of conscience and shall be exempt from all disability or persecution on account of their religious faith or worship in either country.

ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for the purposes of curiosity, of trade, or as a permanent residence. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

Mr. HOOKER. Those are the provisions of the fourth and fifth sections of this treaty. It will be seen, therefore, Mr. Chairman, that we were the supplicants for the treaty. We applied for the privilege of making this treaty with the Chinese. Subsequently, when it was found by the citizens of the Pacific coast that the Chinese were a nonhomogeneous population that would not and could not mix with ours, that such intermingling was not desired by us nor by China, and when China had said at all times, "We have no desire that our people shall leave our country and go to the United States"—when the people of California found that this Chinese population was not suitable to be assimilated with our own, the objection was made to their further immigration, and what was the result?

When we applied to China to change the treaty so as to exclude her criminals, China, with a liberality and spirit of civilization that we may well envy, said: "All right; we agree to such an amendment to the treaty." And in any instance where application was made to change these treaties have they objected? A gentleman from California stood here as a representative of that region of the country—Mr. Page, an old Representative from California—and introduced a clause in the succeeding treaty which restricted the limitation for twenty years. I chanced to be a member of the House then and I suggested to the gentleman from California, who sat on the other side of the Chamber, "If you put this restriction to twenty years, though you are a Republican and though you have a Republican President—the accomplished President Arthur—he will construe it as defeating the purposes of the treaty and as violating the obligations of the treaty, and he will veto your bill."

Mr. Page would not accept my admonition or my amendment to put it to ten years, but insisted upon having it twenty years. He put in the period of twenty years, and the result was as I had predicted: The President of the United States, then a Republican President, vetoed the treaty. It came back to the House and was amended subsequently so as to put it at ten years, and at ten years was passed, and it received the approbation of the President.

Now, sir, these are the facts with regard to the history of this treaty. The original treaty was made at our instance, and all the amendments have been made at our instance, and when the people of California and the laboring interests of this country insisted upon it that the Chinese cooly should not come, we had another treaty with the Chinese and we limited the restriction for a certain period. We sent a commission, Mr. Chairman, for the purpose of ascertaining whether or not these regulations were unfavorable to the Chinese. At the head of that commission stood Senator Morton, of Indiana, the then leader of the Senate on the Republican side in that Chamber. He was sent there with a commission to investigate that question as to how far the importation of Chinese labor affected the labor of California and the labor of the people of the United States, and he made a report to the Senate; and I shall ask the Clerk to read from the report of this Republican Senator as to what he reported when he came back to the Senate.

The Clerk read as follows:

At a time when those countries have adopted a liberal policy and in that respect have yielded to Western civilization, and have especially recognized the force of the example and policy of the United States, it is proposed that we shall take a step backward by the adoption of their cast-off policy of exclusion. The argument set up here in favor of this is precisely that which was so long used to excuse or justify the same policy in China and Japan, namely, that the admission of foreigners tended to interfere with their trade and the labor of their people and corrupt their morals and degrade their religion.

Mr. HOOKER. Now, that was the report written by Senator Morton and presented by him to the Senate, and it becomes a part of the record history of this country upon that subject. From the earliest days of the Chinese Empire, from the days of Confucius, their great lawgiver, they had lived as an exclusive people, they had built a wall around their country, so to speak, and lived within themselves. It was a country that had existed for a great

many years. It had grown to have, as it now has, over 400,000,000 of people. It is true that they are copper-complexioned and almond-eyed, but the gentlemen who want to exclude all classes in contravention of the treaty certainly do not intend to get up an indictment against the Almighty because He created from the same origin people of different colors.

My honorable friend from Missouri [Mr. CLARK], to whose oratory I always listen with great pleasure, and by whom I am always instructed, seems to think that because there is a Caucasian race to which he belongs, that therefore there are no other races. I am sure my honorable and amiable and Christian friend from Missouri [Mr. CLARK] and the gentleman from Massachusetts [Mr. NAPHEN], who comes from the same State that Burlingame did, would not want to write an indictment against the Almighty because he made people of different color.

I am sure that they have hearts too large, patriotism too great, intelligence too widespread, to wish to do this; for if it were a mere question of color, Mr. Chairman, my honorable friend from Missouri, and my honorable friend from Massachusetts, when they look to their own origin, might have some question as to whether or not they should be embraced in the very category of objectors which they make the Chinese to be [laughter]; for, Mr. Chairman, it is said by the scientific anthropologists of the world, by the men who have studied the history of the human race, that our great progenitor, our great forefounder who, according to the tenets of the Christian religion, is the beginning and author of all the races of the world—Adam himself—was a red man.

I do not know how true it is, but that is what has been reported, that he was a red man. Whether he was like the Indian of America, from whom you have taken all the great possessions which the great Creator gave him, or whether he was another sort of color, I do not know, but that is what the scientists and the experts say, and therefore we can not object to people on account of their color. I remember, Mr. Chairman—and I am old enough to remember—that when there grew up in this country what was known as the Know Nothing party I heard the same tirade against that splendid race, that magnificent people, the Irish.

An appeal of the same sort was made to exclude the Irishman from emigrating to this country, and the same sort of appeal was made against that magnificent race, the German, who in the midst of their great primeval forests uttered the first great sentiments of liberty founded upon community, independence, and home rule. [Applause.] And so we must not set ourselves up as judges against all the balance of the world because we happen to be Caucasian and white. These Chinese have lived in their own country, claiming no relation with the balance of the world, asking no relation with the balance of the world, and their history goes back to the time of Confucius, the great primal lawgiver, and far beyond the time of Confucius the august Empire extends, until its origin is lost in the twilight of fable.

They are probably the oldest race on the globe that we know of. They have sprung into wonderful importance by their great numbers, and while we are seeking their trade we certainly do not want to exclude what are called the favored classes. We do not want to exclude the merchant, the scholar, the teacher, the scientist, the statesman, the diplomat. By the bill which the majority report, and which I shall support, we say that we want these classes admitted. We say by the bill that we want the cool laborer excluded to suit the taste and disposition of the people of California and the laboring people of this country. We ought to do the Chinese at least the justice to say that when, under the Burlingame treaty, they came to this country they rendered a wonderful service to the coast of California.

It was a narrow strip of land stretching along the borders of the Pacific slope. It was isolated from the East. It had what they call their tule or swamp lands, and by this very report of Senator Morton the Chinese are stated to have been greatly instrumental in reclaiming these lands, and they were the actual laborers who built the railroads that connected California with the East. They stand, therefore, in that attitude, that though unsuited for citizens we all agree, and the majority of the committee have reported the bill to exclude the coolies, but we say that all the persons that are embraced in what are called the exempt classes ought to be allowed access to this country whenever and wherever they wish.

Now, my honorable friend from Missouri [Mr. CLARK] said that the Chinese who came to this country soon became teachers; that the Chinese were very thrifty; that they were exceedingly desirous of bettering their condition. In that respect they do not differ from the Anglo-Saxon race.

But China herself has never desired that her subjects should come here, and when they have come they have come against the will of the Chinese Government, and not with its approbation. Every restriction has been thrown around the admission of the

cool laborer. We do not propose to extend these restrictions to the scholar, scientist, the diplomat, or to any other class except the cool laborer.

Now, my honorable friend from Missouri [Mr. CLARK] says they become teachers. Well, what if they do? Do you object to that? I am not at all sure but Massachusetts borrowed her idea of an enforced public-school system from the Chinese. They have that enforced school system there, according to my friend from Missouri, and when the parents do not send the children the parents are chastised instead of the child, to use the elegant phraseology of my friend from Missouri. Now, I say it is not at all certain but Massachusetts, great as she is, wonderful as she is, learned as she is, borrowed from the Chinese the idea of the enforced school system which we have adopted now all over this country so far as public schools are concerned.

Surely we can not object to those people protecting their own interests. We can not object to their having their treaties made as best they may have them made, and having them observed. It is the duty of every government when it makes a treaty such as we have made with the Chinese to observe it. It is one of the first rules applying to the morals of nations that when you make a treaty you must observe it. I will now send to the Clerk's desk and ask to have read Article XXIX of the treaty.

The Clerk read as follows:

Article XXIX of the treaty provides as follows:

"The principles of the Christian religion as professed by the Protestant and Roman Catholic churches are recognized as teaching men to do good and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested."

Mr. HOOKER. Mr. Chairman, that is a pretty liberal treaty so far as religion is concerned. We were sending our missionaries from the Catholic, the Presbyterian, the Episcopalian, the Methodist, and the Baptist churches to teach these people Christianity. They received us and by treaty agreed that our missionaries should be treated with respect, that they should be allowed to be sent there. They are sent there. Recent disturbances have occurred which led to the occupancy of China by numerous countries, our own among the number, but that has passed away.

So far as the treaty stipulations are concerned, the Chinese have always been liberal in making them. They have never sought to enforce the presence of their people here; but now, when the majority of the committee propose that they shall allow their teachers, their professors, their students, their statesmen, their diplomats, and those who travel for pleasure to come to this country, why should we want to exclude them? There is no reason for it. It is unjust, it is harsh, it is violative of the treaty, it is inhuman. I am in favor of excluding those who would make a population that could not mix with our own; but for the purposes for which the exempted classes come here why should we want to exclude them?

Now, there is a provision in the old treaty that even the coolies are entitled to transit through the country, and I am not certain but what there is one clause of the report of the majority of the committee, or of the bill reported by the majority of the committee, that ought to be amended. They are entitled to transportation across the country but not to occupancy.

Now, Mr. Chairman, we ought to observe these treaty stipulations with the Chinese, which stipulations were originally made at our request. We regarded ourselves as effecting a very wonderful revolution in the history of these people, and she may be destined to perform a very important part in the future history of the countries of the world.

My honorable friend from Missouri [Mr. CLARK] and so did my friend from California [Mr. KAHN] say that all the great countries of Europe—England, Germany, France, Italy—and all the other great countries of the world had no exclusion laws. Why? Probably because they were not so contiguous to the Orient as America; but they have none whatever, and if we have an exclusion law which was adopted primarily to meet the wishes of the people of the coast of California, for which I voted and which I intend to vote for now—if that is the case, why should we seek to exclude the intelligent men of the Chinese nation, who come here not to become citizens, but merely as temporary teachers, professors, diplomats, or visitors for pleasure or curiosity?

I can see no reason for it. Now, that portion of the bill which the committee struck out provided that vessels going from San Francisco and sailing to the Orient, in the original bill as introduced by the gentleman from California, provided that they should be sailed by American sailors. That provision of the bill, however, was stricken out, and they, like all other vessels of all other countries which ply on the Pacific coast, can be manned largely by Chinese sailors. They say that the vessel owners make it pay. Very true. They naturally go where they can get labor the

cheapest, if equally efficient, of equal endurance, equally suited to the climate into which the vessels have to go.

Therefore that provision of the bill was stricken out, and I hope it will not be inserted by a substitute or otherwise. We must act in this matter as a nation of people composed of many sovereign States. I probably ought to correct myself in the use of that expression. We are a Government composed, gentlemen, of many representatives of sovereign States; of Senators, each elected by the States, and Representatives by districts. We all admit, both in the Senate and here and throughout the country, that there is one great code of morals which all nations ought to adopt, and that is the code of morals which was preached by the humble Disciple from Galilee, the carpenter's Son, the Great Author of the truths of the religion which have existed from the time He spoke with simplicity and power, because He spoke the truth without any soldier at His back, without any company at His command, without any army to aid Him.

We all admit that, under the Christian religion, we are all descended from one ancestor—all the nations of the earth—and that we ought to be governed by the great cardinal principles of right and justice between governments as we are governed in our conduct in the observance of the laws toward our neighbor. The great cardinal principles embodied in the law written upon the tablets by that great man of the Israelitish nation, and which has existed from that day to this, in all denominations, whether they be Catholic, Methodist, Baptist, or Presbyterian, or whatever they are, all founded upon the great principles of truth taught by the simple Master of Galilee, who taught as man never taught, who spoke as man never spoke.

So that practically our obligation and duty as citizens and as a government is to be governed by these great cardinal principles which should rule the action of nations as it does that of individuals. Give to the people of California the exclusion of the cooly. Give to the laborer of this Government freedom from competition with cooly labor, but do not deny the intelligent classes admission to this country.

I am not aware, Mr. Chairman, that there has ever been an effort, either by representatives of China or by the Chinese Government itself, to send a single citizen of that country to this. I am not aware that in any treaty they have stipulated, or in the original treaty negotiated by Burlingame and Stanton in 1868, that there should be free intercourse between the citizens of China and America. That was the first exclusion of cooly labor, and that, I agree, is right. That is what we expect to see; but when we extend it to other classes, in my opinion, we are acting unwisely with the people, we are acting unjustly to the treaties which we have ourselves formed, and which are equally binding upon us as they are upon the Chinese.

Now, in California, when these Chinese came there, they passed laws requiring, in the city of San Francisco, that the Chinese should live in quarters to themselves. I believe that law is still in existence. They submitted to that. They never objected to it. Some years ago I chanced, Mr. Chairman, to go to our Pacific coast, and I saw at one point 2,000 Chinamen working upon a railroad. They were of large stature, strong, muscular men, very unlike the Chinese that I had been accustomed to see here in the city of Washington or in the State of my home.

I talked with the gentleman who was conducting the work on the railroad, and I said to him, "What is the character of his labor?" He said, "They are the most docile, bidable labor I have ever had control of from any quarter. They are exceedingly efficient; they are exceedingly obedient." But we went further on our way to California. I talked to the people of San Francisco. I talked to the people there who had been in intercourse with these people. They said that as domestic servants they made the finest they had ever seen. They are a remarkably imitative race. They adapt themselves to all conditions.

I recollect very well that the commission to which I belonged—we were looking into Indian matters—were invited to the navy-yard at Mare Island by the officers, whom I have since met in this city, and the lady of the house gave us our tea on the green grass in that beautiful country that nature has so much favored; that she has given them the sunlit valleys covered with the natural products, and she has at the same time given them the lofty mountains, sometimes clad in sunshine and sometimes covered with shade and sometimes the home of the storm king. She has given them the gentle zephyrs that blow the sunny and wondrously soft waves of the Pacific, until they have a climate where you men of Massachusetts have to go who are afflicted with diseases of the lung.

It is a country of wonderful salubrity, and the Chinese who came there, as said by my distinguished friend from Missouri, fell in love with it, and regarded it as heaven. I think they exhibited themselves as good judges when they said so. But his argument does not exactly agree with another one of his friends, who says that the Chinese accumulate a great deal of money be-

cause they can live upon little, and on my friend's own theory they niggardly hold it, and then he subsequently declares that when they die they want to go back to the Celestial Empire.

They may regard it as a hard life here, and they want to get back home to be buried in the Celestial Empire, which has been the name of China from the time it was known to the civilized world. We therefore can not assert that in any instance, at any time, or in any way, the Chinese people violated the treaties we have made with them. The Chinese Government has not violated them. There are coolies who come across the Canadian border and through the Mexican territory, but violations of the law by individuals against the consent of the Chinese Empire or the Chinese Government can not implicate that Government in those violations any more than the violation of law by a citizen of this country can make this Government responsible for his action. I say, therefore, it behooves us to treat these people with justice and deal with them fairly, because the God of nature, the God of power, has placed them there and given them the color they have. We ought not to undertake to violate the treaty because of that.

My honorable friend from Missouri [Mr. CLARK] says that the exclusion of the Chinese cooly labor is very analogous to the condition which exists in the Southern States with reference to the negroes. I differ with my honorable friend. I see no analogy whatever. The slave labor came to us long years ago, and for three hundred years the slaves of the South lived in contact with and under subjugation of the white race of the South. After three hundred years of contact with the white race of the South, though they were brought in sloops by our industrious friends from the East, from the southern shores of Africa, and subsequently transmitted South, at the expiration of three hundred years, when they were manumitted as a result of the war and became free, they showed that the contact with the white race had made of them the most obedient, tractable laborers that ever lived.

They defended the homes and lives and children of the Confederate soldier when not a single man oftentimes was left at home to guard the family. They behaved with wonderful fidelity. They were manumitted as a result of the war. They are in our midst; we have to take care of them; but my honorable friend from Missouri very properly stated that is a local question. It is a local question belonging to each State where the colored man is. The history of the colored man during the Confederate war, and at all times, from the earliest occupancy of the Southern soil, has been that of fidelity to his master. There were some of them educated when they were slaves, and all of them now go to school, and the people of the South are treating them to-day with more justice, with more equity, with more uprightness than any laboring class of people on earth.

They are to-day—and I assert it from my own experience and observation—the best paid laborers on our continent. The general rule of employment in Mississippi, in Louisiana, in Alabama, in Georgia, in all the States where they are numerous, is that the owner of the land, the former master, furnishes the land, pays the taxes on it, furnishes the implements and keeps them in repair, furnishes the animals, the mules and horses, and feeds them, and the negro laborer draws one-half of the product—one-half of the corn, one-half of the cotton, one-half of the potatoes, one-half of every product. I assert to-day that neither in England, nor in France, nor in Germany, nor in any country on earth is there a set of laborers better cared for than the laboring free negroes of the South.

More than that, under our laws made by white men like you, made by men who understand the relations between the white man and the negro, we tax all our property—and in the main it is owned by white people—we tax all of the real estate and a large part of the personal property. We tax our property, real and personal, and raise a school fund for the education of the negro children, and that school fund is divided equally between the children of educable age, whether white or black. That is the condition of affairs in the South.

Now, what would be said if in the South we proposed to treat the negro as you propose to treat the cooly? Suppose we should say that the negro threatened our civilization and we wanted to kill him, to destroy him, to banish him or deprive him of his equal rights under the law? He is tried by a jury. He has the right of testimony in the courts. I recollect on one occasion, in the early practice of my profession, I was employed to go in the State of Louisiana by a friend to defend his nephew, a boy 21 years of age, who had killed a negro. I tried that boy before a jury, every one of whom was a black man. The district attorney and the Government, who had the right to so many challenges, challenged every white man who had not formed or expressed an opinion, and there were only three or four left.

So that the negro in the South bears no analogy to your cooly in California. Now, let us alone and we will settle this question. We will settle it to suit ourselves. Do not interfere with us in

this. When you undertake to appoint a committee in the House of Representatives to go from this country, whether you send them to the grand and magnificent Empire State of New York, as you do not propose to do, or whether you send them alone to the Southern States, as you propose to do, to look into the question of how many colored men are deprived of the right to vote; when you undertake to do that by a committee appointed by a Speaker of this House, under a rule adopted by three men, you will illustrate, Mr. Chairman, the long ago oft repeated aphorism that "Power is always stealing from the many to the few."

You have it strikingly illustrated in the rules under which you sit here. This House of Representatives, where the great men of the past were heard on all great questions—this great debating school of the nation—under the rules which you now have, this body has its lips closed and sealed. You can not get five minutes on any bill or proposition except by permission of the Committee on Rules, the majority of whom consist of the Speaker and two men on the Republican side—a partisan body—and through this partisan body it is proposed by what is called the Crumpacker resolution to appoint this committee to go to the South to look into the condition of the negroes, who, it is claimed, are unconstitutionally denied the privilege of voting.

Mr. Chairman, with reference to the constitution of Mississippi I want to say that the great leader in the convention which framed that constitution, the man who put in the intelligence qualification and the poll-tax qualification, was the late Senator George, from our State. He was the leader in that convention; he was the master mind of that body. He was a great lawyer; he was a debater of tremendous power. He came back to the Senate of the United States after his labors in that convention.

Three of the greatest lawyers in that body—Edmunds, of Vermont, a brilliant, splendid, and well-equipped lawyer; HOAR, I thank God is yet in the prime of life, a magnificent and splendid lawyer, and ALDRICH, the father of the Senate—they all assailed the constitution of Mississippi. They said that it was violative of the Constitution of the United States. They said that it robbed citizens of the United States of their right to vote. They assailed it with gigantic power and strength and argument. In reply to the three speeches of those great lawyers, one from Vermont, one from Massachusetts, and one from Rhode Island, our late Senator, Senator George, spoke for two days. You can all find his speech in the RECORD. And when he had done not a voice was raised to reply to him. Those great lawyers grounded their arms and yielded to the powerful argument of Senator George maintaining the right of Mississippi to create the constitution which she did.

I hope, therefore, Mr. Chairman, that the other side of the House will consider long and ponder well before they commit themselves to the effort to send a partisan committee, directed by a partisan House, to violate the great sovereign power of the States who alone under the Constitution are possessed of the power to determine who shall be electors. They possess it, and they only. When you undertake to rob the States of the South of this power, you are preparing a time to come when under other circumstances the great States of the North and the States of the East may find they have the poisoned chalice presented to their own lips.

I say, therefore, leave us alone; let us be as we are. We were all reduced to poverty by the results of the war. The lambent flames of the incendiary licked our housetops and the crackling rafters crumbled into ashes on our hearthstones. We bore it all; aye, and we bore the terrors of the fancied "reconstruction" that never reconstructed, until you left it to the sovereign States of the South to come back into the Union, into the household of their fathers, under conventions called by the States—to come back again and renew their allegiance to the Government.

Bayonet and sword could not force them. Unjust reconstruction measures could not compel them. But they came of their own accord, by their own volition. They said in the emphatic language of the great leader from the State of Georgia, Benjamin Hill: "We are here in the household of our fathers with as high an allegiance and as devoted an affection for the common flag as any man who comes from the North or the East, and, if you let us alone, we intend to stay here asserting our rights and infringing upon the rights of no one else." [Applause on Democratic side.] And so, I say, with regard to this particular bill relating to the Chinese, let us exclude the coolies, but I ask my honorable friend from Missouri not to say that the case of the Chinese is analogous to that of the negroes, for it is not.

Mr. Chairman, I could say much more on this and kindred subjects. I will ask the committee to pardon me if with my feeble voice I say one word more upon a topic cognate to the subject-matter under consideration, and that is the office and function of the American people.

You say you live in the midst of the blaze of the nineteenth century; you say you are going to carry the commerce of America to the Orient; you say you are going to welcome a new

state of affairs; you say are going to open the gates of the Orient; you are going to hunt for all the people of the world who are distressed or oppressed and give them the message of freedom. Is that your function? Is that your object and purpose? When we closed the Spanish war we did it by a treaty between Spain and the United States, and from that treaty I will ask the Clerk to read just two clauses.

The Clerk read as follows:

The Government of the United States is unable to modify the proposals heretofore made for the cession of the entire archipelago of the Philippines; but the American commissioners are authorized to offer to Spain, in case the cession should be agreed to, the sum of \$20,000,000, to be paid in accordance with the terms fixed in the treaty of peace.

Mr. HOOKER. Mr. Chairman, that proposition was made by the American commissioners, not by the representatives of the Government of Spain. The latter never asked any money for the cession of the Philippines. There is another clause of that treaty, further along in the book, which I have sent to the desk, which I will have read in a few moments.

At this point I simply wish to emphasize the point that it was we who proposed to pay the \$20,000,000. Did we gain that territory by conquest? Was it ours by force of arms? Did it belong to us because we had conquered it in the fighting at Manila and in the West Indies? If that was the fact, then why take \$20,000,000 out of the Treasury of the United States to make good our title? What authority had this Government or its commissioners at Paris to put their hands in the tax box of the people to take out \$20,000,000 for the purpose of making good our title to the Philippines? I say none whatever; that it was an assumed authority by the Government of the United States; that they had no power to do that, but they did it.

The Spanish commissioners, in reply to that proposition from the American commissioners, said: "We do not want to sell the islands of the archipelago." What was the reply of the American commissioners? "Yes; but you must. We want it, and we intend to have it; and we will terminate the treaty consideration right now and go back to a condition of war if we do not get it." The Spanish commissioners replied in an article which is marked in the book before quoted from, and which I will ask the Clerk to read.

The Clerk read as follows:

Spain then having on her part exhausted all diplomatic recourses in the defense of what she considers her rights, and even for an equitable compromise, the Spanish commissioners are now asked to accept the American proposition in its entirety and without further discussion, or to reject it, in which latter case, as the American Commission understands, the peace negotiations will end and the protocol of Washington will consequently be broken.

The Government of Her Majesty, moved by lofty reasons of patriotism and humanity, will not assume the responsibility of again bringing upon Spain all the horrors of war. In order to avoid them it resigns itself to the painful strait of submitting to the law of the victor, however harsh it may be, and as Spain lacks material means to defend the rights she believes are hers, having recorded them, she accepts the only terms the United States offers her for the concluding of the treaty of peace.

Mr. HOOKER. Mr. Chairman, you will see by the paragraphs which I have had read, and which I take from the book published of the proceedings at Paris in the making of the treaty of peace between us and Spain, what our Commissioners did, and what the Government afterwards ratified; and then, in violation, as was well said by Senator HOAR in that magnificent speech which he made some eighteen months ago, and which he did me the honor to send, under his frank, to Mississippi—this is but the substance of what he said:

With Punic faith to your allies, you have armed American citizens and sent them around the globe to the other side for the purpose of making an attack on the allies who helped you to conquer the archipelago.

He said much more. The speech is full of learning on the subject. It has never been answered. Nobody has ever attempted to answer it, either in the Senate nor in the House. It constitutes an array of facts with regard to the conduct of this Philippine war in which we are now month after month and week after week and year after year, long after the treaty of peace, sending around the globe American soldiers to shoot into the little brown Malay—he is not a yellow man, but he is a brown man; God Almighty made them of many colors and we can not change them, Mr. Chairman, he is a brown man—you have sent your American Army at the cost of millions of dollars, equipped with American money and armed with American guns, around the globe to shoot your civilization into the little brown Malay. You are doing it to-day and you do not know when you are going to stop it. I say, therefore, that this is another case somewhat analogous to the one before this committee.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. HOOKER. Well, I want to say, Mr. Chairman, that I beg the pardon of the committee for detaining it so long. It was my purpose to yield to my neighbor and friend here what time I might have left, but I have been betrayed into going further into the

subject than I thought. I have been animated by a desire to do justice to those with whom we have treaties and to see our country keep its bright and unimpaired condition of honor; that is, just and honest and upright toward the weak as well as the strong. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. POWERS of Maine having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 4, 1902:

- H. R. 2417. An act granting a pension to James B. Harris;
- H. R. 7341. An act granting a pension to Elizabeth W. Simmons;
- H. R. 7755. An act granting a pension to Laura G. Weisenburger;
- H. R. 8212. An act granting a pension to Alice Angel;
- H. R. 9659. An act granting a pension to Laura A. Van Wye;
- H. R. 10404. An act granting a pension to John Y. Corey;
- H. R. 10906. An act granting a pension to John W. Meade;
- H. R. 366. An act granting an increase of pension to Edward M. Kanouse;
- H. R. 669. An act granting an increase of pension to Richard C. Smith;
- H. R. 1378. An act granting an increase of pension to Bessie H. Lester;
- H. R. 1694. An act granting an increase of pension to Henry Ball;
- H. R. 2092. An act granting an increase of pension to Anna B. McCurley;
- H. R. 2240. An act granting an increase of pension to Aquila Wiley;
- H. R. 2781. An act granting an increase of pension to Patrick Lee;
- H. R. 5261. An act granting an increase of pension to John H. Coates;
- H. R. 5714. An act granting an increase of pension to Lucy B. Bevis;
- H. R. 5862. An act granting an increase of pension to Rollin Tyler;
- H. R. 6873. An act granting an increase of pension to Sarah Maley;
- H. R. 7683. An act granting an increase of pension to Almond Delamater;
- H. R. 7998. An act granting an increase of pension to William H. Allen;
- H. R. 8269. An act granting an increase of pension to James R. McClellan;
- H. R. 9178. An act granting an increase of pension to John M. Howe;
- H. R. 10411. An act granting an increase of pension to Mary E. Singley;
- H. R. 10924. An act granting an increase of pension to Elias M. Haight;
- H. R. 11011. An act granting an increase of pension to Emily J. Tallman; and
- H. R. 11619. An act granting an increase of pension to David A. Frier.

CHINESE EXCLUSION.

The committee resumed its session.

Mr. HITT. Mr. Chairman, I yield twenty minutes to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Chairman, the importance of this measure and the interest I have in it impels me not only to support it with my vote but also to urge it with my voice. So important is this bill that if its general object should fail I believe it would be the most paralyzing blow ever aimed at American labor or leveled at American civilization.

I do not wish to talk of the proposed law in its infinite detail, but rather to the broad purpose of its inception. No matter what some persons may say within this House or out of it about our country being an eleemosynary institution and the asylum of liberty, the soul of this legislation is thoroughly American. Its basic principle is founded entirely upon self-preservation, unstained by a single ungenerous or ignoble impulse.

The old law relative to Chinese exclusion is about to expire by inherent limitation. Since its enactment material changes have taken place in the evolution of American greatness. Since that time we have seen the flag rise resplendent over Hawaii; and then we saw it sadly fall under Grover Cleveland, leaving those bright, warm isles, the lonely derelict of a summer sea. We saw it rise again under William McKinley, to float there forever in

the sunshine of a happy people. Since that time we have seen the boys of America take that flag of ours away over yonder, beyond the rim of the earth, and raise it high up above the shadows of every setting sun.

To-day we have new and untried problems to solve. They are the problems of American supremacy and of the markets of the world. They are the problems of our ever-marching, ever-conquering civilization. They come to us as the legacy of a war waged for humanity's sake alone. They bring to us sacred duties and responsibilities that can not be basely deserted nor honorably abandoned. They bring burdens to bear, but when did our people ever encounter a burden they did not conquer? All the light-houses of the world have been kindled in the conflict of flint and steel. The splendor of our American manhood always meets its burdens and bears its burdens and turns them into glory.

We will govern all these new and strange peoples—many of them Chinese—with all the kindness and liberty that play around our institutions; but I insist that always and forever it shall be done in a just regard to our people here at home.

I vote for and support this bill because I believe it will effectually conserve the honor and dignity of the American worker from all competition with foreign or insular Chinese coolly labor, because I believe it fully meets the new and delicate condition of affairs in Hawaii, Porto Rico, and the Philippines. It prevents Chinese immigration of labor into any of these possessions of ours. It restricts all Chinese migration from one insular possession to the other. But more than this, it says, in emphatic terms, that not a single Chinese laborer shall set his foot upon American soil. It promises the men of America that they are not only protected in their employment here, but also against cheap labor and its every result, directly or indirectly, from our island territory.

It is a matter of pride and satisfaction to me that I have been of some service in fortifying our outlying territories against Chinese invasion since they have come under our control.

Ought we to exclude them? That is the question. Every patriotic sentiment in me answers, yes.

In round numbers we have about 80,000,000 of people. The best estimate I can command puts the Chinese coolly at about 400,000,000. Think of it! Give these countless myriads, these incalculable hordes, free access to the best and most prosperous land in the world and it will need no straining imagination to prophesy that in the years to come the burning question will be, Shall the Anglo-Saxon and kindred races possess this country or shall the Mongolian control it? That proposition will be absolutely settled in the passage of this bill.

This legislation is not directed against these persons because they come from China or from any other country. America has always been the refuge of the oppressed from everywhere. The torch of its liberty has shed a flood of light and life into the dreary homes of all the sons of men of all the world. But it is a political, social, economical, and self-preserving proposition.

They would not only supplant American workmen and degrade American labor, but they would come to us in multiplied thousands, devoid of all racial and political homogeneity, bringing with them social vices and national habits that would surely contaminate the clear stream of Christian civilization and American institutions, that must inevitably lower the standard of citizenship and eventually undermine the Republic.

Dangerous as are their peculiar vices, their very virtues are still more perilous. Intelligent in their own way, pertinacious, crafty, patient, diplomatic, they are painfully industrious, brutally frugal, and fanatically fatalistic; a people to be feared; as changeless and unrelenting as eternity; the immutable progeny of ages gone and civilizations passed away. They never think of what a real man needs, of what he ought to have in this world of smiles and tears, to uplift himself and glorify his race and nation; but to him the sole query is, How can I barely live in the lowest stratum of animal existence and save the excess to carry back to the crumbling home of the ancestral graveyard?

Ought we to exclude them? Why, Mr. Chairman, every sacred tie that binds an American to his home and to his country demands their exclusion.

A country is great, not so much in the extent of its territory nor in the number of its inhabitants, but it is great, and great only, in the character of its people.

A republic must endure, if it live at all, in the intelligence and patriotism of its sons and daughters. That intelligence and patriotism is conceived and born in the university of the American home, the grandest educational institution in the world. In that school is taught the virtue of our daughters, the valor of our sons, and round its hallowed walls cling all the vines and flowers of our country's hope and joy. Within its sacred precincts dwell the sons of liberty, every one of whom holds the scepter of a king.

I want him to look and feel like a king; I want him to know enough to be a king. And I will never consent, by any act of

mine, to have that home degraded, polluted, and impoverished by a people in whose lexicon there is no such word as "home."

The emigrant that comes here from England, Ireland, Germany, Poland, Sweden, Norway, France, Denmark, and other parts of Europe all arrive with that blessed word burning in their breasts and graven on their bones. They have sadly left friends and native soil for the priceless heritage found in a land of the free-born home that has reared the only true Republic that ever existed and which is about all that makes life worth living. They came here to make this their country; to live and fight for the flag, and to die beneath its folds. They are loyal and patriotic citizens. They have enriched our blood, ennobled and perpetuated the stock, and built up the home. They are here to become true Americans and add luster to the Stars and Stripes. They love their home and wife and child and friend.

Mr. Chairman, shall we now, in the full realization of our duties and responsibilities, recklessly forsake and turn over to the coolly laborer the last, best hope of the Republic? Shall we pursue a policy—a Fabian, cowardly, procrastinating policy—that shall usher in the countless hosts of an alien people to degenerate our race and despoil our labor—a people who have no regard for family, whose language holds no name of "home," in whose breast there comes no redeeming rapture even in the consecrated presence of a noble woman, and whose heart yields no responsive, civilizing throb even in the sanctified light of the fires of the hearthstone or the eye of wife and child? Every instinct of God-given self-defense, that law higher than all human statutes, revolts against it.

I would not break a single household god that belongs to the American workman; rather would I augment the joys and comforts of his fireside. It is his home; it is the one bright, glorious spot that nerves his arm and brain to sturdy, self-forgetting toil; it is the home of his wife and child; it is the silken cord that binds him to life and happiness; and I want him to own it without any mortgage upon it. I want it surrounded by health and prosperity, and filled with sunshine and song. I want its windows to gleam and shine with intelligence and its roof to float and flow with the red, white, and blue.

I believe it is better to look after the folks at home, to stand by our own people, than it is to corrode the shrine of free and dignified labor and corrupt the morals of our race in the vain attempt to Christianize a vast throng of orientals that would bring to us nothing but political demoralization and social despair. I believe the time has arrived for charity to begin at home. I believe that no one ever lost anything by building up his own family. I believe in standing by our own people.

I wish it could be. I want our laboring men to have enough to eat and wear; enough for sickness and old age. I want them to have enough to educate their children, and to lay by something for a rainy day and for their loved ones when they are gone. I would like to see them have some leisure and the means to improve it. I want them to have enough to meet the demands of modern civilization. I would like to see the wife with a new dress, wearing a smile on her face and some ribbons in her hair, and the hope of the Republic guaranteed by the flags that glow in the cheeks of the little children.

The only hand that can light the lamp of progress and prosperity is the hand of toil—of intelligent and exultant labor—and I want that hand and arm upheld and protected by this law.

I have always believed in rational protection. We are to-day more prosperous than ever before in the history of this or any other country through the wonderful resources of the soil, the genius and industry of our people, and the protection of our political policies. But the hour has come when we must protect not only industry and those employed in it, we must also protect men and citizenship as such. This is one step in that direction. I am ready for every other reasonable proposition tending to elevate, ennoble, and make happy the labor of my country.

Why, Mr. Chairman, there is a place for every kind of honorable employment, and they all command my fealty and respect. But when you sum it up—when you read the life of every nation in the checkered history of the world—the toilers are about the only men who do anything. Labor enters into and supports everything. Labor, which includes the farmer, is the backbone of the nation. It is the strong arm and stalwart son of America that holds up the ridgepole of our national structure, and spikes, through enduring centuries, the rafters of the home. He supports the Government, he breeds our children, nourishes and rejuvenates the race, he holds aloft the flag; and I repeat again that human toil of heart and brain and hand is the only true manhood, the only real nobility of the Republic—the aristocracy of democracy—and I am for anything that can give him an advantage and make him glad and prosperous. Therefore I am for this bill, to protect the wage-earner in the eminence of his high estate.

They talk of Chinese trade. They say this act may circum-

scribe it. Yes; I would like to have that trade. We are getting more and more of it. It is the great trade of the future to America. I believe we will still increase it. With our new possessions as a stepping stone, I believe we will walk right into the open door of that great market, a market born in the womb of 800,000,000 people. But, whatever happens, nothing can be gained by sacrificing the labor that produces the surplus we sell, by destroying the happiness and prosperity of millions of our best people at home for a commercial dream.

This country is wonderfully interested in markets to-day. The foreign market, in a degree, represents the weal or woe of our future prosperity. We now manufacture more than we can consume. We have an overplus of everything. But this Government of ours has more to think of than markets. It has men and women, flesh and blood, God and morality, our home and country to think of.

I believe in men, in the genius of American manhood. We can not long survive upon cheap and enslaving labor; we can not hope long to endure the ravages of an Asiatic industrial onslaught.

The real heroes of a nation are not alone in the sounding titles of ensanguined war, but they dwell in the silent grandeur of a quiet name. They live in the vine-clad cottage beneath the hill, kissed by all the suns of joy and filled by love and kindness, where all the day is work; and when the shadows fall, the man, but not the master, by the side of her who sits and smiles and sews for him; and on his knee laugh the little children, with their arms about his neck. [Applause.]

Labor is the great conqueror. It enriches and builds up a nation more permanently than the proudest battles, and in its ranks are the real soldiers of the earth. [Applause.]

Then let this bill pass. Let us so act that we may go home in the consciousness of a duty well performed, and be able to continue to say with a prouder boast than did that old Roman, "I thank God that I, too, am an American citizen!"

I thank God that we have protected and preserved the men who have taught "the stars to look our way and honor us." [Loud applause.]

Mr. LLOYD. Mr. Chairman, there are to-day about 100,000 Chinese in the United States proper, 25,000 in Hawaii, and at least 250,000 in the Philippine Islands, with which our Government must deal. The gentleman from Pennsylvania [Mr. ADAMS] in discussing this bill yesterday intimated that Congress should be very cautious in this matter; that it should remember that when this country was a wilderness and our ancestors were building up the civilization of Europe China was possessed of an erudition and achievement about which we would do well to learn. Mr. Chairman, that civilization still exists, hoary with age. It has stood like a statue for over 3,000 years, and he who beholds its attainments sees what might have been seen when the Cæsars were holding sway in Rome.

Gentlemen need not worry themselves about the antiquated lore of China before the Christian era, nor of its history and pagan mythology. They should concern themselves about that new civilization of this country, which means progress and leaps with bounds which astonish the world. The gentleman seems to be impressed with the idea that there is no analogy between the negro and the Chinaman, and that the statement of my colleague [Mr. CLARK] that, like the negro, so long as the Chinaman had a drop of his own racial blood he was one of the race. He said there were Irish, Germans, and French in this country who carried their nationality; but he seems to forget that these are of our race, and so soon as they have become naturalized they are Americans. There is no such thing, in fact, as an Irish-American or German-American. For if a man is an American at all he has no foreign prefix to his nationality. Whether a Chinaman is born here or elsewhere, he is a Chinaman still, and never becomes Americanized nor interested in our Government or its institutions.

It is commendable to see a man proud of his foreign ancestry; but if he does not rejoice that he is an American, and place the Stars and Stripes high over all, he should return to the country whence he came, whether he is English, German, or Chinese. This home of the free is not to be the abiding place of the traitor, or the man whose interest is to degrade American labor, prostrate from Christianity, and debauch the morals of citizens of this country; and this is the effect of Chinese influence in America. But gentlemen say that we must encourage the trade of China; that no provision should be enacted in this bill that would make less trade with the Orient. The gentleman from California [Mr. KAHN] well explained in his instructive address that no such condition results from exclusion of the Chinese, that such has not been the effect either in Europe or in America.

But suppose trade may be injured. Which is nearer to the American heart, the foreign commerce of this country or the well-being of its laborers? Others may pursue such course as they may,

but, sir, I shall cling to the cause of American labor and try to protect it from the cooly labor of China. Gentleman should be more concerned in the homes and firesides of the laborers of this country than in the extension of trade to China, if loss must occur; but I am confident there is no true American that is not in sympathy with the extension of our material interests and will not herald with delight that which builds up her trade with the world, but I am not a disciple of that school of political faith that puts wealth above the man that produced it, nor trade above the security and protection of the individual in the enjoyment of the blessings of this free country. There is not a labor organization in the land that does not demand legislation at the hands of Congress.

Around the table of the humble toiler's home it is discussed; the farmer, concerned for the honor and purity of his household, is alike solicitous for positive and decisive legislation. There are two reports here for our consideration, and two bills to be passed upon. Which shall receive our sanction? In this connection I desire to call attention to a circular sent out by the representatives of the labor organizations of the United States on yesterday, which insists that the minority substitute should be adopted because it will more effectually and certainly bring about the desired end—the exclusion of the objectionable classes of Chinese. It states:

We regard the bill reported by the majority of the House Committee on Foreign Affairs as weak, imprudent, and full of defects, indicating want of information of the difficulties encountered by the Treasury Department in dealing with immigrants from China.

The bill recommended by the minority of the House Committee on Foreign Affairs is quite to our satisfaction.

Both these bills are intended to accomplish the same purpose, but those who are most vitally interested in the relief sought, who are to be the beneficiaries of the trade of China, and cursed with its cheap labor without legislation, ought to have consideration at the hands of Congress, and since all these elements agree that the substitute more effectually accomplishes the true object, I am in favor of adopting its provisions. Who is it that desires less stringent legislation? To whom have the majority made concessions, if anyone? The bills introduced and hearings taken show something of the pressure. It is the commercial demands, or rather the requests of commercial organizations. Yet neither the majority nor the minority have yielded wholly to that demand.

Organized capital asks the reenactment of the present law until 1904, when the commercial treaty between this country and China shall expire, and insists that the whole matter may be adjudicated. Their bill, known as the Proctor bill, simply extends the present law until December, 1904, when the treaty with China may expire. That treaty was made in 1894 and had this provision:

This convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and if six months before the expiration of the said period of ten years neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

The treaty, as you observe, will remain in force until 1914 unless one party or the other gives six months' notice of its intention to terminate the treaty. A bill of the kind proposed would have the effect of giving notice to China that in 1904, unless a new arrangement is made, all barriers will be removed and the Chinese may enter at will. It appears from the provisions of the treaty that wisdom would dictate that this country should make its exclusion law permanent, and then, unless notice is given to the contrary, all relations with China would be settled until 1914, and the question of the restriction of Chinese immigration would be settled until such time as the United States, through its lawmaking power, saw proper to change it.

To my mind the most serious proposition that presents itself is the question of exclusion from the Philippines and of keeping from the United States those now in its insular possessions. Many times more Chinese are found in those islands than among the States. Manila alone has more than the State of California. If these can be turned loose upon the States, which may be the case, of course, if they are citizens of the United States, it will have serious effect upon American labor; but I shall not attempt in the few moments at my disposal to argue this question, except to impress the hope that no evil shall come from this source. A serious difference between the majority and minority is on the question of the employment of Chinese sailors upon American vessels. Again I wish to quote from the circular of the American Federation of Labor sent out by Messrs. Gompers, Fuller, Furuseth, Bird, and Livernash:

We unite in asking that the new law for the exclusion of Chinese laborers shall contain a provision that American ships shall not carry as seamen Chinese persons not entitled to enter the United States.

The provision we favor was in the bill introduced by the Senators and Representatives from the Pacific States and approved by the national labor organizations and the California commission. That provision has been favorably reported by the Senate Committee on Immigration.

We are especially devoted to the provision. The American seaman has a

right to protection from competition with Chinese laborers, and the needs of the American Navy in time of war should be considered.

It is erroneous to claim that the prohibition favored would cause American ships in our China trade to change their flags. American registry gives our vessels a monopoly of our carrying and passenger trade with Hawaii and the Philippines, foreign ships being debarred from participation in coastwise trade.

It is not true that white men can not work in the heat of stokeholds of China liners. White men exclusively are employed as stokers on our transports plying to the Philippines from San Francisco and also from the Atlantic coast. White men exclusively are employed as stokers on ships plying between San Francisco and Australia. White men exclusively are employed as stokers on our ships plying between Atlantic ports and the West Indies, Central America, and South America. The marine firemen of Atlantic and Pacific cities have within the last ten days adopted resolutions declaring a willingness to do the work Chinamen are now doing aboard American ships.

The American flag should float over American seamen. Every laborer on the vessels should be in sympathy with the starry emblem which floats at the masthead. Let this be termed sentiment, if you will; it is American spirit, and finds hearty response with the liberty-loving people of our land. Gentlemen need not think that all men are in favor of exclusion because there is such unanimity here. Many an advocate of free locomotion as applied to them can be found, and some appeared before the committee at its hearings. This bill and the substitute both have enemies concerned for their failure.

One of the most beautiful addresses I have read on this subject was that made by Mrs. John B. Allen before the Century Club, of Seattle, Wash., in January last, and she concluded that speech with this attractive statement, in all of which I fully concur, except as it applies to the Chinese:

Can our statesmen not stand on this broad and liberal platform and enact restriction laws that will eliminate the illiterate and immoral, the vicious and helplessly indigent, and not discriminate against any country, but let the hand of welcome be extended to the Occident as to the Orient? Let the Pacific bear the immigrant as well as the Atlantic. Let the only requisites be intelligence, sobriety, morality, and industry, obedience to our laws, and loyalty to our Government. And if they can not, do not lay aside bias and prejudice and listen to reason and argument, and do reenact this one-country exclusion act, then may God give President Roosevelt the courage of his convictions and nerve his hand to veto the measure.

But beside this plea for the Chinese I wish to place the statement of Mrs. Charlotte Smith, president of the Woman's National Industrial League of America, who appeared before the Senate Committee on Immigration and stated what she knew of Chinese influence in this country. Amongst other things she said:

In my investigations as president of the Woman's Rescue League, which is a branch of the Woman's National Industrial League, I found 175 women who had been baptized in the Christian faith living with Chinamen in New York in 1892. These women bring young pagans into the world, who, with their so-called husbands, worship in joss-house temples and become disciples of Confucius as well as opium fiends.

During the year 1889, in Washington, D. C., 564 Chinese were arrested. The majority were members of the Metropolitan Church Sunday school. Men and women, pipes and opium-joint paraphernalia were brought into the police court. Furthermore, the worst gamblers and most immoral opium-joint keepers were so-called Sunday school Chinese pupils.

In Boston, June 23, 1894, 15,000 unfortunate girls were turned loose to forage upon the community because of a moral crusade inaugurated against vice. What was the result? American-born, educated girls became the mistresses of the Chinese of Boston. The Tenderloin floating population was soon after transferred to Chinatown, and the Chinese were permitted to go into the business of keeping houses of ill-repute and engaged extensively in this illicit traffic.

These statements are appalling, but much information of similar kind has been presented. I am therefore constrained to say, in the interests of morality and advanced civilization, exclude the objectionable Chinese. For the protection of the American laborer and his family, prevent the coming of the cooly laborer. In the name of Christianity and its elevating influences leave the disciples of Confucius with their joss houses and opium dens in the land of their nativity, and build up in this country American interests to be conducted by American laborers. [Applause.]

Mr. CLARK. Mr. Chairman, I yield fifteen minutes to the gentleman from Illinois [Mr. KERN].

Mr. KERN. Mr. Chairman, I have had both the honor and the high pleasure of presenting petitions at the desk of the Clerk of this House from about 100 labor organizations in my district demanding of this Congress that the policy of Chinese exclusion now in force under our Government be continued for another fixed period of time. I have received no petitions from any of my constituents demanding that this policy be abandoned and our gates thrown ajar for the unhampered admission of immigrants from China.

Now, Mr. Chairman, petitions of this and other descriptions are sometimes spoken of lightly and in terms of derision and ridicule on this floor. I have with my own ears heard petitions coming from the people referred to with levity and contempt in the Senate of the United States by Senators of the United States. I do not believe that it comes with good grace from a member of this House or from a member of that other distinguished body to speak flippantly about petitions on any subject whatever coming from the people. The use of these petitions affords about the only method available to the people through the medium of which they can speak to their representatives in these respective Halls. Being

an unswerving believer in a government of the people, for the people, and by the people, and in the Jeffersonian doctrine that all just government rests upon the consent of the governed, I am forced to the conclusion that the right of petition should be held sacred, and that it should be treated with the profoundest reverence. The right of petition is guaranteed to the people by our Constitution, which is the fundamental law of our land, and it is indelibly stamped into the Declaration of Independence, which has been fittingly described as the chart and compass of all human rights.

This Government has for many years pursued the policy of establishing around our borders a high-tariff wall for the alleged purpose of protecting the men who toil for a living and earn their daily bread in the sweat of their brows. This high-tariff wall has had the effect of enabling especially favored manufacturers of goods in this country to enhance the price of their commodities. The only laboring men in America who have ever been enabled to secure any benefits from our misnamed protective tariff system are those who are employed in the favored industries. Even these were dependent for any benefit they received on the bounty and generosity of the favored manufacturer, or they were compelled to extort their share of the enhanced prices which the protective tariff made possible through the power of their organizations. On this Chinese question, for the first time in the history of the country, the American workingman comes before Congress and demands protection directly for himself. He demands protection against the unequal and the unfair competition of Chinese cooly labor. He demands it in the only practical way that reason and human judgment has so far been able to contrive.

Why is it that Chinese cooly labor should be employed by any American employer? Is it because it is congenial to hire these coolies, or because it is congenial to superintend them at their work? Is it because it is pleasant to have them around? No; it is not given the preference over other labor for any of these reasons.

Chinese labor is only desirable because it is cheap. A Chinese workingman will work for 75 cents a day where an American workingman demands \$2 a day for the same hours and the same conditions of employment. Relations of cordial friendship between a white employer and his Chinese employee are unnatural, and they are impossible. The language of these people is meaningless to an American. Their ways are distasteful to him. It is not intelligent labor. It is the merest machine labor.

Chinese labor, as we know it, is but little better than slave labor, and he who would successfully and profitably employ it must have in him the essential elements and the requisite attributes of character of the slave master. It is not employed because it is a congenial thing to use it in productive enterprises. Greed alone controls the transaction—cold, selfish, grasping greed.

The most perplexing problem before the American people for solution to-day is the great problem which is in general terms designated the labor problem. That problem simply resolves itself in the final analysis into a problem of wages. In every country on this earth the rise of real wages marks the rise of the progress of that country. I take it that no humane, patriotic, and farsighted man would rejoice to see the wages of labor lessened under our flag.

I now ask why it is that Chinese labor can afford to produce the same results for lower wages than can the labor of our own country. It is perfectly clear that it can afford to do this, because the standard under which the Chinese workingmen are accustomed to living and under which they are content to live is decidedly lower than that which the American workingmen have established for themselves. Semibarbarians that they are, they require only the simplest forms of food to nourish their bodies.

The clothing they require is likewise crude, inexpensive, and scanty. Accustomed to the life of the street herds of their mother country, houseless and roofless and homeless, the shelter these people need is not superior to that, if it is equal to it, deemed necessary in this country, with its advanced civilization, to protect from the attacks of the elements the lower forms of domestic animal life. Chinese labor can live cheap because it is barbarian labor. It does not know and does not have the manifold and complex wants of labor in civilized countries. Its standard of life is in consequence of a low and degrading rate.

Under our existing social arrangement the rate of wages is finally determined by two controlling factors—firstly, by the law of supply and demand as applied to the total numbers of toilers who offer their labor for sale, labor being a marketable commodity, the only thing the laboring man has for sale; and secondly, by the standard of life of the toiler, by that portion of the results of his exertions which he is content to accept as the sum required for him to live on.

It would be a sheer waste of time for anyone to try to show on this floor that this so-called standard of life of the American workingman is immeasurably and infinitely higher than the

standard of life of the Chinese coolies. No one but a hopeless imbecile would contend for a moment that it is not. It would be an absurdity to undertake to make the comparison. No one is so ignorant of these relative conditions but that he knows, as he must know, that the standard of life of the Chinese coolies is as far below the standard of life of the American toiler as the foothills are beneath the summit of the loftiest mountains, snow-capped and sun crowned.

The American toiler demands enough for himself for his honest work, and rightfully demands it, to keep himself and his family in comfort and a little besides for the inevitable rainy day, an extra dollar after all the bills are paid on Saturday night. He is entitled to a good house to live in and to rear his family in. He is entitled to good clothes to wear. He is entitled to books and newspapers to read. He is entitled to some of the pleasures of life, and not merely to the barest and absolutely unavoidable necessities. He is entitled to have his wife spared to him for the performance of his household duties. His children are entitled to the indisputable opportunity for schooling and an education. And, over and above all that, he is entitled to the opportunity to create for himself and to lay up a little surplus for the dark days of helpless old age and decrepitude. That should be, if it is not, the standard of life of the American workingman.

Following this chain of reasoning, I desire to say this: Bring a people having a high standard of life in competition with a people content with a low standard of life, and you drag down that people, you debase that people, you degrade that people, you outrage that people. You make the struggle for existence more bitter and relentless for them than it was before. Do that act, and you have committed the unforgivable, the unpardonable, the cardinal sin. Do that act, and you have committed the crime of crimes, to fit which no punishment can be severe enough and no damnation deep enough.

Understand me correctly. I do not advocate a policy of national isolation. I trust that my views are not of the narrow and contracted kind. I know that the immigrant has rescued this continent from barbarism, transformed the pathless wilderness into a well-ordered and flowery garden; that he and his offspring wrested independence from tyranny and despotism abroad and gave this nation its free and self-governing existence; that he and his descendants saved the Republic when it was in danger and preserved our national Union intact; that he and his children and his children's children furnished the brain and the brawn for the upbuilding of our colossal industries; that it was their enterprise, their skill, and their ingenuity which made this country the wonder and the leader of the industrial, the social, and the political world.

I would pursue a policy that extends the glad hand of welcome to every man of our own race who is willing to adopt our country and make it his own; to familiarize himself with our system of government; to learn the story of the struggles through which our country has passed; to learn to estimate the price in blood and treasure the Republic has cost; to become a free and intelligent and independent voter; to become one of us, willing to be assimilated into our national life; to share our liberty and help us perpetuate it and keep it uncontaminated and pure; to work in an honest and an honorable way for a living, and in the holy radiance of the light of liberty, labor, and love to rear a family of respectable, intelligent, liberty-loving children. But I would shrink from injecting into the body politic in America another race problem, another peril to our political system, another disastrous check to our social progress.

My good and illustrious friend from Missouri [Mr. CLARK] has made mention of the fact that the discussion of this question involved the discussion of the race problem. Say what you will to the contrary, I agree with him entirely in that proposition, and I do not believe that the artful eloquence of any man can disguise that vital fact. The race problem is fundamental and elemental. The bloodiest wars of history have been race wars. You can not convince me that a people so radically different in their habits, in their customs, in their traditions, and in racial demarcation as the Chinese people are from the American people can long live at peace with our people after they have once arrived here in dominant and dominating numbers. You may theorize as you will, the two will persistently refuse to mix. They will refuse to blend. They will refuse to assimilate. They will refuse to become one. They will refuse to unite. They will remain separated by a broad and impassable chasm, living in hostile camps, animated by feelings of most unquenchable and unmitigable hostility toward each other.

We have a race problem in this country now crying aloud for proper adjustment. The evidence is unmistakable. We need only to search the columns of the daily newspapers for it. I refer to the negro problem. It is idle to contend that the civil war solved that problem. The civil war only presented it for the future generations to deal with. It presented it in a most aggravated

form. It is one of the knottiest problems any nation on earth ever wrestled with. It stands before the American people unsolved as one of the most vital questions of the day. American statesmanship faces it, as much as it has the heart to face it, stupefied and appalled.

That race problem was forced upon us. Its introduction into our politics was a mistake of our forefathers. It was brought into our midst through their blind desire for material gain. But it is here and we are compelled to face it. It is a condition and not a theory that confronts us, and we must adapt ourselves to our conditions if we be rational and sensible men. Let us honestly try in an impartial spirit and with patriotic resolve to deal with the race question which the fathers have forced upon us, prompted by considerations of humanity and equal justice and love of our country and of the unfortunate race that is in our midst, but let us in wisdom refrain from taking upon ourselves the burden of bringing into this country another race problem to menace American institutions. The wise man learns and profits from the lessons of history. The fool ignores them. The coward shrinks from them and undertakes to disguise them.

I rejoice over the unanimity of sentiment which prevails in this House on the wisdom of continuing the Chinese-exclusion policy, which has become the fixed policy of this Government. I rejoice at the unanimity of sentiment which exists in favor of this bill in our country. There are only two elements among the people that have come to my attention which are opposed to the bill. The associated capitalists are against it, the men in whose care and keeping are the trusts. The extreme altruists are against it, a large class of well-meaning men who have left the earth as their place of abode and inhabit the ethereal regions above the clouds.

Of the former it is needless to speak. Their motives are plain to everybody. He who runs may, indeed, read them. In their selfishness and their greed and their cupidity they want cheap labor at any cost. They want to earn fat dividends for their concerns. They do not care for the welfare and the happiness and the prosperity of the American people. They would impoverish the American people to pile up wealth for the plutocracy. In my mind they are entitled to no consideration whatever on this floor in their utterly detestable demands connected with this proposed legislation.

The altruists tell us that it is the highest form of our national duty for us to throw wide open the gates and to admit the oppressed, to admit the downtrodden, regardless of race or condition, from every land and every clime into our national household. They contend that in morals we have no right to bar our doors of entrance against any nation. It seems to me that their argument is untenable and unsound. I believe that we have the same right to protect our country against undesirable immigration which every man beyond all dispute has to protect his family circle against an undesirable intruder. The family is the unit of the State. It is the source and origin of our civil law. The country, taken as a whole, is nothing more than an aggregation of families.

It is true that the fact of aggregation gives rise to new duties and new responsibilities and makes the primary duties more complex. But the law of the family is the law of the State. A well-governed family furnishes the model for a well-governed State. The school district is a small number of families which have constituted themselves into a perfect system in our great governmental machinery, fully capable of performing every function required of it. From the school district the system is extended with enlarged obligations and increased powers to the township, from the township to the county, from the county to the State, and from the State finally to the sovereign nation.

It seems to me that the same rights inhere in the State and in the nation which inhere in the family, and if a man has the right to exclude from his family an unwelcome intruder, one who would disturb that family life, contaminate its morals, and threaten its existence, then this Government has the right to draw the line on the kind of immigration which it in its wisdom deems undesirable, disastrous to its social progress, and menacing to its perpetuity.

I am for the bill which the minority recommends for passage because I favor the most drastic legislation in this connection that is obtainable. The laborer of this country demands this legislation under the law of self-preservation, the first and highest law in nature.

It has been charged that this law would exclude from this country, besides the coolies, Chinese merchants, Chinese diplomats, Chinese scholars, Chinese teachers, and Chinese travelers; that it would exclude those Chinamen who in no conceivable way can come in injurious competition with American labor. The charge is false. The measure proposed by the minority, which is the measure which bears the indorsement of the American Federation of Labor and the delegations in Congress from the Pacific coast States, makes ample provision for the admission of Chinese mer-

chants, scholars, teachers, diplomats, and travelers. These classes are protected in all their rights under the minority bill, and this country is made as accessible to them as it can under proper safeguards be made. It is the bogus merchants, the phony diplomats, and the counterfeit teachers and scholars and travelers which the minority bill aims to keep out of the country and will keep out of the country if it is made the law. The minority bill simply aims to protect the country against imposition, against sharp practice and fraud. The objection to it on this ground is unreasonable and devoid of sound foundation.

In no connection is the unwisdom of our present Philippine policy made more apparent than in connection with this prodigious movement. Make the Philippine Islands a permanent part of this Government, and you make it almost impossible to guard against the importation of freight loads of cheap Chinese cooly labor. If the present policy with regard to those islands be continued, the Supreme Court of the United States will sooner or later declare them an integral part of this Government under the flag and the Constitution both. No power on earth can prevent the coolies who are now in the Philippines from coming into any State or Territory in this Union. There are now more than three times as many full-blooded Chinamen in the Philippine Islands than there are in this country, and including the half-breeds there are more than ten times as many. Dump any considerable number of these on our shores, and the effects that will follow will be disastrous in the extreme.

But even that is not the worst source of danger. We have been told in the course of this debate that the practice is in vogue of evading the existing exclusion laws by sneaking hordes of coolies into this country across our northern borders along the Canadian Pacific Railroad. The assertion has not been challenged. The statement has not been contradicted. I do not believe that it can be successfully contradicted. Make the Philippine Islands, with their thousands and thousands of miles of coast line, situated in closer proximity to the Celestial Empire than they are to our own country, an integral part of the United States, and, pray tell me, how then can you successfully enforce our cooly-exclusion laws? The task will simply be a herculean one, impossible of performance, and when that day comes, as truly as the sun shines, the Philippine question will become a phase of the great labor question. I wish I could arouse the workingmen of this country to a full and complete sense of the danger which confronts them on this score.

The greatest objection to cooly immigration is that it does not come spontaneously and from its own free will. It is imported into this country as a rule in shiploads by unscrupulous and soulless corporations. Irish immigration, German immigration, and English immigration was an unmixed good to this country, because it came here spontaneously and of its own free will. That kind of immigration was desirable. But the importation of human freight is an unmitigated evil under all circumstances, wherever it comes from, regardless of considerations of race difference, because selfishness and greed will dump it upon us faster than we can digest it.

On the dangers arising to the moral life of our nation from unrestricted Chinese immigration I have but barely touched, yet there is not a thinking man in America who would preserve the purity of American morals who would not justify Chinese exclusion on this score, taken aside from all other considerations. Chinatown, in San Francisco, is the scandal of this nation on account of the low and degrading vice that is practiced there. No youth can enter it without being poisoned by its very atmosphere. Human depravity has invented no form of health-destroying and moral-destroying practice that is not indulged in in this filthy and disgusting den of iniquity.

Of every Chinatown that exists in every city of this country, where it does exist, the same revolting thing is true. Do you want to extend this condition? Do you want to make it general in this country? Do you want to inoculate every community within our borders with the enervating, deadly virus of it? If you do, throw the floodgates open and let the hordes of coolies flock in, and you will surely accomplish this purpose, besides that other object of depriving the workingmen of this country of the God-given opportunity of earning a decent and respectable living.

In conclusion, I desire to emphasize this fact: The toilers of this country do not come before Congress often with any demands. They have never come making unjust and unreasonable demands. They do not make their demands on this Chinese question on us blindly. They have deliberated on this question. They have talked it over in their meeting halls. They have reached an entirely practical and just conclusion. They have petitioned you and me to give that conclusion earnest consideration, to permit it to weigh in the scale when we are making up our minds on this question. What they are asking they are asking in a spirit of fairness. They have no desire to oppress anyone. They have no desire to tyrannize over anyone. They simply ask you and they ask of me in God's name not to place them

on a level with barbarians in the struggle for existence. They ask us to do nothing that would debase and degrade them. They ask us to help them in enforcing the law of self-preservation. They ask us to protect them against this great danger. It is only the part of wisdom in us to heed their voice.

On the prosperity of the laboring man depends the prosperity of the country. Opposition to Chinese exclusion means taking away everything from the laboring men of this country except the bare necessities of life. It means the inaugurating of conditions which are intolerable among American toilers. That means poverty, unhappiness, and discontentment, and that in turn means anarchy and hatred and bitterness to threaten the existence of our free institutions and of our Government. A contented and happy people never destroyed a Government.

I take it to be the duty of the lawmakers to create conditions under which people can be happy and contented. Because I love the people, because I want to see them happy and contented, because I want social conditions so arranged that every honest man shall have the opportunity to earn an honest living by honest work, because I love my country, because I love my country's flag so long as that flag represents justice, equality of opportunity for the people, and the integrity and sanctity of the American home, I favor this measure and I consider these reasons ample for giving my hearty support to the most drastic law against Chinese immigration here proposed. [Loud applause.]

Mr. HITT. I yield fifteen minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN addressed the committee. See Appendix.]

Mr. CLARK. I yield thirty minutes to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, I am aware that the die is set, the edict has gone forth, that this bill must pass this House, with all the discriminations, inequalities, preferences, and favors to the few which will follow in its wake. We are to enter upon a scheme for getting rid of the people's money and making a generous contribution to this two-billion Congress. We are to encourage favoritism in a new form under the guise of "regulating commerce" and "providing for the general welfare of the people." We are to begin making presents to a favored few, and very few—perhaps not more than 50 or 100 persons and corporations in the whole nation.

The bounties are to go to one in a million of our people, and this one-millionth part of our people the wealthiest, most independent, and least deserving of assistance of all—to the shipbuilders and navigation companies—among whom are to be found such poor and deserving persons as John P. Morgan, of New York, and C. A. Griscom, of Philadelphia. These are some of the 100 persons and corporations, more or less, who are to receive the Government contributions assessed and collected from the people of the country and handed over to these multimillionaires under the pretext of providing for the welfare of the people. If this bill shall pass, under the whip and spur of the Republican leaders of this House, as it surely will, it will be the first time in the history of this country, so far as I am informed, when a few, a very limited few, people engaged in an industry have been sorted out to be the recipients of donations from the Government to aid them in their enterprise and in their competition with their fellow-men in the industrial race of life.

I am aware that in 1891 a law was enacted by the terms of which special rates were allowed to be made with parties, or under contract, for carrying the mails on fast steamers, and perhaps a very generous allowance was made possible for this service. It was made to improve the mail service and secure the transmission of mails in the least possible time between our ports and those to which the mails were sent. It was in keeping with our general up-to-date service in the Post-Office Department. We wanted the quickest run across the seas, and were willing to pay an extra price for it. That was no subsidy. It was simply paying a good price for a good thing, where each contracting party received an equivalent consideration. And while this bill in some respects resembles the bill of 1891, its chief purpose, as avowed by those who favor it, is to aid in expanding and increasing the merchant marine of this country. One of the big four who have been most conspicuous in advocating this bill in a public speech said that were it simply to facilitate the carrying of mails in American vessels he should oppose it (this bill).

No one objects to a proper extension of the ocean mail service at a proper cost, but ever since 1891 we have been paying our American lines at least twice as much for such service as was proper or necessary; at least twice as much as Great Britain pays for similar service, or as we pay foreign lines for carrying the excess mails which our American lines are not able to handle. A few figures from the official statistics will prove this statement.

In the last fiscal year the International Navigation Company

(American Line) carried 71,000,000 grams of letter mail and 641,000,000 grams of printed matter, and was paid, under the act of 1891, \$528,537.

The Cunard Line (British) carried 137,000,000 grams of letters and 835,000,000 grams of printed matter, and was paid \$213,103.

The White Star Line (British) carried 62,000,000 grams of letters and 326,000,000 grams of printed matter, and was paid \$91,591.

In other words, we paid the American Line more than twice what we paid the Cunard Line for not much more than half the amount of mail carried by the Cunard Line; and we paid the American Line about six times as much as we paid the White Star Line for carrying practically the same amount of mail matter.

On the Pacific the same discrepancy was noticeable. We paid the American Pacific Mail Line \$52,533 for carrying 9,000,000 grams of letters and 118,000,000 grams of printed matter, and the British Occidental and Oriental Line \$19,638 for carrying almost exactly the same amount of mail.

We also paid the New York and Cuban Company (American) about \$200,000 for carrying 1,995 pounds of letters and 30,864 pounds of printed matter, which was at the rate of \$6 a pound, whereas our rate for paying the foreign companies was only 44 cents per pound for letters and 4½ cents a pound for printed matter.

In addition to this, it must be taken into consideration that the foreign steamers were the quickest and most frequent, and also that the pending bill proposes to still further increase the payments to American vessels for mail carriage by at least 30 per cent. These specimen figures are quite sufficient, in my opinion, to show the undesirable and inequitable nature of the mail-subsidy division of the bill.

To whom are we indebted for this new venture, this gift entertainment which is so lavishly provided for in this bill? I answer, to the Hon. Eugene Tyler Chamberlain, present and past Commissioner of Navigation, more than to any other one man. In his last three reports he has come out as the active exponent of the subsidy scheme for enlarging and extending our merchant marine. Time was, and but a few years ago, when his remedy for reviving the merchant marine was to grant free ships. As evidence of this I read from Mr. Chamberlain's report of 1895:

I have the honor respectfully to renew the recommendation made last year in favor of the repeal of that restriction of law which denies the use of the American flag, the privilege of American registry, and the protection of the laws of the United States to vessels owned by American citizens and navigated in foreign trade unless built in the United States. The effect of this law, under existing industrial conditions, is not only to encourage but virtually to compel American capital willing to embark in transoceanic navigation to organize under the laws of other nations and resort to alien flags. Thus in effect an American law forces Americans to enhance the maritime importance of foreign nations at the sacrifice of our own.

At that time Mr. Chamberlain was presumed to be a Democrat, acting as Commissioner of Navigation under a Democratic administration. In his last report he is acting presumably as a Republican under a Republican administration and at the behests of the Republican party run mad on this question of ship subsidies.

The friends of this bill in years gone by have claimed that as we are committed to the protective policy, that policy should be carried out in protecting the shipbuilder and the ship navigator. But, Mr. Chairman, there is a marked contrast and a radical distinction between the principle of protection which affects directly and indirectly the great body of our people and the principle or want of principle which grants a bounty to a few, a very limited few, industries without any pretext of raising revenue and without one cent of revenue accruing therefrom.

It has been claimed that ships could be built in foreign countries cheaper than they could be built here, and in order to induce the builder at home to engage in the building of ocean-going vessels we must make him a donation—a present—every time he builds one of these ships; that this is the only way we can induce him to engage in this enterprise. But the fact is we can build ships in this country as cheaply, on the average, everything considered, as they can be built anywhere in the world. Princes and ship merchants of the Old World are coming to us and contracting for their vessels because they appreciate that we can build better vessels, and, everything considered, as cheaply as they can be built in their home countries. In our consular report of March 3, 1900, George Wenlertsen is quoted as saying:

To-day [that was in 1900] ships may be built at Bath, San Francisco, Philadelphia, Wilmington, Chester, and Newport News as cheaply as anywhere in the world. Mr. Cramp, the largest individual shipbuilder in the United States, two or three years ago, when ships could not be built nearly as cheaply as they can to-day, in answer to a question made this statement: "The proper form to put the question is, 'Can you build a ship to do the work of the City of New York, or the Majestic, or the Columbia in all respects for the same cost?' To that question I would reply, 'Yes; or within as small a margin as would be likely to prevail in a similar case between any two British shipyards.'"

Let me call another witness to the truth of this assertion—a conservative man, and one always speaking guardedly and within

bounds. About one year since, William McKinley, in delivering an address before the Chicago Board of Trade, stated that "the shipbuilding interests of the United States were in a more prosperous condition than they had been since 1854; that their shipyards were full of orders, and that we were fast approaching the time when we could rival Great Britain in building ships for foreign trade." The Commissioner of Navigation informs us in his last report that there are \$68,000,000 invested in 46 shipyards in this country, and that there are now under contract vessels of the United States amounting in cost to \$78,000,000. The Chicago Tribune, one of the leading and ablest Republican newspapers in the country, sent, last October, representatives to every shipyard in the country, and without a single exception every yard was overcrowded with orders and working to their utmost capacity. I have not time to refer to but one, but the reports can be procured in the Tribune issue of October 14, 1901.

At Newport News \$14,000,000 is invested and 7,000 men are employed. At one time this year vessels with an aggregate tonnage of 145,100 were under construction, to cost \$28,350,000. Of course, the vessels in the various yards were of all kinds and descriptions, and intended for lake and coast service as well as for ocean use, but demonstrate pretty conclusively that the shipbuilding interest is not on the decline, but, on the other hand, is one of the most popular and flourishing industries in this country. Mr. B. N. Baker, president of the Atlantic Transportation Company, of Baltimore, is now building and will have finished by the 1st of July next, just after this bill goes into effect, six large ocean steamers in the shipyards of the United States, which he proposes to place under the registry of this Government; and Mr. Griscom, president of the International Company, is building two ocean-going steamers in American shipyards, each with a tonnage of 12,500 tons. What need, then, is there for the purpose of stimulating this industry by granting to it bounties and subsidies?

Mr. Chairman, can you imagine an industry in this country which is in less need of a stimulant than the shipbuilding industry, or one where, if applied, would be less warranted or more ridiculous? But we are told that we should grant these subsidies to strengthen our merchant marine and to make it possible to see the American flag floating at the masthead of the merchant marine in every part of the world and in every harbor, not only of our own country, but that the harbors of the Old World may also glisten with the white sails of the American ships; that in this way, and only in this way, can we hope to compete with foreign countries in the ocean carrying trade; that the merchant vessels of France, Germany, Great Britain, and other countries have gained their proud positions solely by reason of the granting of subsidies.

This is a catchy statement—a great promoter—to use a popular word of the present time. It appeals to the pride, the patriotism, and love of country of the American citizen or the American statesman. We must not be outdone. We play no second part in the world's commercial drama. If subsidies bestowed by these foreign countries are the secret of their success, why do we hesitate to grant them, and that, too, more abundantly? Mr. Chairman, if it was a fact that the granting of subsidies was the secret and the main secret of their success, I grant that there would be much more reason why we should support this bill than there is to-day. But, Mr. Chairman, the trouble about the proposition is that it is not the fact. The fact is that not one-tenth of the merchant vessels of the ocean carrying trade of any foreign country receives any subsidy whatever. Fifty-three per cent of all the ocean carrying trade of the world is done by Great Britain, and only 3 per cent of all her carrying trade receives any subsidy whatever, or at least that was the condition in 1894, and presumably the per cent remains about the same at the present time.

Listen to what Mr. Chamberlain, the present Commissioner of Navigation, said in his report in 1894. Speaking of Great Britain's payment for fast-mail service, termed by the friends of this bill as bounty and subsidy for the British shipping interests, he says:

Encouragement to navigation has only been accidental and secondary to political and commercial considerations, and, as indicated [above], where circumstances permit it is being withdrawn, and arrangements with railroads of France, Italy, Canada, and the United States are in part taking its place.

But the sufficient facts to demonstrate that Great Britain does not subsidize shipping in the sense in which the word is used in the United States are that the profits of the mail lines do not average higher than those of merchant lines; that the stock quotations of one class of securities are not higher than the other; and, finally, that barely 3 per cent of all the British merchant marine receives public funds in any form.

The friends of this bill argue for its justification that Great Britain, Germany, France, and Italy pay or have paid subsidies to their shipping interests, and that they dominate the ocean carrying trade of the world, and that if we would compete for this trade at all successfully it can only be done by following their example and by granting subsidies as provided for in this bill. I challenge the whole proposition. The supremacy which

these countries have attained in the ship carrying trade is due to other causes, and it can not be attributed by any fair-minded person to the subsidy theory. Italy and France are notable examples of the utter futility and failure of the subsidy scheme to rehabilitate their ocean carrying trade.

France expended \$19,000,000 and Italy about \$6,000,000 and then abandoned the experiment, and it was only when these two nations gave up the plan which we, of all the nations of the world foolishly retain, namely, the exclusion of foreign-built vessels from our registry, that they were enabled to place their ships in the carrying trade to any great extent upon the oceans of the world. Commissioner Chamberlain, whose opinions seem to be cited with so much favor by the friends of this bill, in his report as Commissioner of Navigation in 1894, confirms the statement I have already made, and warns us against the prodigal expenditure of the public funds which the provisions of this bill will carry. He says:

The result of nine years' trial of a complete bounty system in France, involving an expenditure of \$19,000,000, and of seven years' trial of a similar system in Italy at an expense of \$5,500,000, are hereinafter stated. The meager results attained in both countries warrant the statement that the nation which enters upon that system (paying subsidies) of building up a merchant marine with the expectation of success must do so with a free hand and no care for the cost. It must be prepared to spend not \$1,000,000 or \$2,000,000 a year but several times that sum annually for a long period. * * * It is not deemed necessary to consider here the propriety of that course as a matter of public policy or its desirability from the economic point of view. Those nations which have made the attempt have not succeeded, confessedly for the reason that their expenditures were not large enough.

And he adds:

The experience of France and Italy demonstrates that the shipowners of both countries find it more to their profit to buy (vessels) in the cheapest markets than to avail themselves of government bounties conditioned upon the purchase of higher-priced domestic shipping.

Again, Mr. Chairman, we are told by the advocates of this bill that the main purpose, the only purpose, of granting these subsidies is to equalize the difference in wages, both in construction and operation, between what is paid in foreign countries and what it costs in the United States. To-day every ounce or foot of material which enters in the construction of a vessel can be landed at any shipyard free of duty, and much of the material which enters into the construction of a vessel is cheaper here than in any foreign shipyard on earth.

With all material entering into a vessel free of duty, with our improved and up-to-date machinery and facilities for the work, with our inventive genius not equaled anywhere, our native and inherent push and our inexhaustible resources, even if our daily wages are nominally higher than in other countries (they are not higher when we take into consideration the amount our workmen produce and accomplish), we need not fear to enter into competition with any and all comers in shipbuilding. And I assert that first-class steamers and vessels can be built as cheaply in our shipyards as anywhere on earth. Charles H. Cramp is authority for the assertion that the difference in the cost of labor per diem would be overcome by the superiority of the labor and of American machinery.

Undeniably there is an extra expense incurred in the charges for seamen to man our vessels over that in some of the foreign countries, but this extra expense is incorrectly and extravagantly stated by the friends of this bill. The actual facts and figures have been ascertained in several instances, and, as relates to two vessels almost identically alike, the one American and the other foreign, are as follows:

The *St. Paul* and the *Campania* have been compared. Every person's salary and wages engaged in operating these two vessels were taken accurately, and it was determined that it cost yearly to run the *St. Paul* \$15,900 more than it did the *Campania*. But, Mr. Chairman, if this bill becomes a law and the *St. Paul* becomes a recipient of the bounty as herein provided for, she will receive \$408,596.54 a year, or twenty-five times as much as her expenses exceed the *Campania* in yearly maintenance.

It is an unwarrantable assertion to claim that this great subsidy is required to put our merchant marine on an equality with that of foreign countries. Rather acknowledge the fact that this bill makes unwarranted and extravagant donations to an industry which, of all the industries, protected and unprotected, least needs and least merits them.

We have been during the last two years building more ships than in any two years in the last fifty years. We read in the report of the Commissioner of Navigation for this year that—

The fiscal year ending June 30, 1901, has been the third successive year of notable prosperity and growth in the shipbuilding and ship-running industries of the United States. The total documented tonnage of the United States on June 30, 1901, has been exceeded but once in all our history. By the end of the current fiscal year possibly half of our tonnage in foreign trade for the first time will be steel steamers, the instrument of commerce which for some years has been chiefly employed by foreign nations.

When these conditions prevail, why should we not be content to let well enough alone? Of all times in the last fifty years this is the most inopportune to launch upon the system of bestowing extravagant bounties upon the shipbuilding and ship-sailing

industries. There is an eternal fitness of things with which this bill seriously conflicts.

Again, I assert that this bill is against the spirit of the Constitution, if not against the letter of that great instrument. I do not believe this statement can be successfully combated. The Constitution is designed to prevent Congress as well as the States from enacting any class legislation. Equal rights and equal opportunities to engage in any business or enterprise and to receive equal or corresponding benefits from public expenditures are among the fundamental principles embodied in that instrument, and this bill anticipates and provides for bounties only for certain classes of vessels, and to only a limited number of each class; otherwise millions upon millions of money would be required in the payment of bounties; and the friends of this bill, in this House and out of it, assure us that only such a small number of vessels will be subsidized that the entire limit of expenditure for at least the next four years will be not more than four or five millions per year.

It is not intended nor provided that all vessels and all owners shall be put on an equality and secure equal and corresponding benefits, but only a favored few receive them, and only those whom the Postmaster-General shall see fit to contract with for carrying the mail. And again, under the general provision, section 1, clause (b), only vessels of certain tonnage and certain speed.

But mark the strategy of these keen promoters of this subsidy scheme and how adroitly they try to provide against an unfavorable decision of the Supreme Court as to the constitutionality of this bill if it should become a law.

The Constitution provides that Congress may raise and support armies and navies and do what is fairly incidental to those ends. And while it is rather farfetched and scarcely noticeable by a casual reading of this bill that it provides incidentally for the support of the Navy, still a careful inspection of the bill will reveal the fact that there is a provision which looks to this end, and it is to this provision that the promoters of the bill look for the salvation of it when it gets to the Supreme Court for decision as to its constitutionality. The provision is contained in section 15 of the bill, on the twenty-fourth page. It is a short, unassuming, and inoffensive-appearing section, and one which would seldom if ever be taken advantage of by our Government. But it is the provision which is intended to save the bill from utter destruction if it ever gets to the Supreme Court for decision. I quote the essential part of this salvation section, as follows:

SEC. 15. That any vessel under contract, pursuant to this bill, may be taken or employed and used by the United States as a cruiser or transport at any time, and in every such case the owner or owners of any such vessel so taken or employed shall be paid the fair value thereof, if taken, at the time of the taking, and if employed shall be paid the fair value of such use, etc.

Mark the language, "may be taken." Is there a member of this House so charitable as to believe that all or any considerable number of these subsidized vessels will ever be taken by the Government as cruisers or transports? Is there a member of this House who really believes the time will ever come when the Government will take a single one of these vessels? And even if under any conceivable conditions we should take or hire one or more of them, what particular benefit would it be to the Government? For we must pay what the value or rent is "fairly worth."

We can do that already without any subsidizing of vessels. But this is the provision which responds to the title of the bill which is "to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary." Is this bill intended to provide "auxiliary cruisers and transports for the Government?" Or is this purpose only remote and incidental to the main purpose of the bill and intended to be and inserted only for the purpose of guarding and protecting it against its other unconstitutional provisions, which plainly establish inequalities, discriminations, and special privileges among those engaged in a common enterprise—a condition which the National Constitution and every State constitution absolutely prohibits and denies?

Providing for the Navy, are we? What a delusion, what mockery, what insincerity! Will the Supreme Court confirm or expose the sham pretext? Is there a member of this House so simple-minded as to believe that a barrel of flour or a barrel of meat, a roll of carpet or a case of cloth, will be carried to any foreign port one cent cheaper if this bill becomes a law than it will if it does not? Who, then, is to be benefited and enriched by this vast expenditure of the public money? It is easily to be determined. The shipbuilder and navigation companies who are now using and hereafter will use on the highways of the seas vessels carrying passengers and the least bulky merchandise—the ocean greyhounds. The products of the farms, the factories, mines, and forests will continue to be exported in the same slow-going vessels as heretofore and at no reduced rates. Are the

American people prepared to accept or to repudiate this bill? We need wait but a little while for their emphatic response. [Loud applause.]

Mr. HITT. Mr. Chairman, I yield thirty minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, on May 5 next, the present so-called Chinese-exclusion law will expire and unless new legislation is enacted into law by that time the Chinese will be at liberty to enter our country, subject only to the restrictions imposed upon immigrants from other foreign nations.

ORGANIZED LABOR LEADS THE MOVEMENT.

As the time fixed for the expiration began to approach, the subject of a renewal or reenactment of the present law has been freely and generally discussed. In this discussion and in the agitation of the character of the legislation considered necessary to meet the situation, organized labor has taken the lead, and through its direction the wage earners of the whole country have been united in their efforts to obtain an extension of the American policy of the absolute exclusion of Chinese cooly labor.

There is not a Senator or Representative in Congress who has not from the beginning of the session been the recipient of petitions, resolutions, and letters from not only individual constituents, but organizations of all kinds, including boards of trade, commercial societies, patriotic and social, secret and open societies, and labor organizations of every kind and description, all asking for the passage of a law which will not only take the place of existing laws on this subject, but will be more stringent in its provisions and secure a practical exclusion of the Chinese laborer as well as the laborer of other Oriental nations whose competition in the labor market may be detrimental to the interests of American workmen.

RESULTS OF COOLY COMPETITION.

With the invasion of the United States by the Chinaman in large numbers, organized labor saw its doom and the utter defeat of all its plans for the betterment of the condition of the wage-earners of the Republic. It was fully alive to the fact that, being forced into competition with this competitor from the greatest of the oriental people, less work and lower wages would be the inevitable result, and that meant not only longer hours of work, but fewer comforts, cheaper living, more crowded dwellings, less opportunities for the education of himself and family, and his reduction to a generally lower plane of living. The work, labor, and achievement of the last half century would in a few short years be undone, and the future, now bright and promising, would be enveloped in clouds of uncertainty and despair.

DEMOCRATIC PLEDGE AND POSITION.

So strong has been the conviction of all classes of our citizens of the danger to this country and its people and so great has been their pressure upon the lawmakers and political leaders that in the national platforms of both the great political parties of this country promises have been made to avert the pending evil.

The pledge given by the Democratic party, to which I owe a proud allegiance, was frank, explicit, and unequivocal in these words:

We favor the continuance and strict enforcement of the Chinese-exclusion law and its application to all classes of all Asiatic races.

By this pledge the popular party of this land, although the minority party in Congress, stands bound and will redeem its pledge by casting its every vote for the act presented by the minority of the Foreign Affairs Committee of this House, which is admitted to be more sweeping and further reaching than the proposition presented by the majority members, and only in the event of not being able to carry this, in our opinion, more complete and drastic measure will we support the measure now before us for action.

HISTORY, LAWS, AND TREATIES.

The history of Chinese immigration into the United States and the laws and treaties bearing upon the subject are, briefly, as follows:

With the reports of the first discoveries of gold in large quantity in California in 1849, the Chinaman turned his footsteps toward this country. Within less than a year 800 had found their way to our shores; by the close of the second year their numbers had grown to 4,000, and by the middle of 1852 they numbered 12,000. In 1868 they had reached the estimated number of 80,000. The exact number has always been disputed, but the census of 1870 counted 62,736 of them, and as they were scattered all over the country in the mining towns and over the mountains and valleys of the sparsely settled sections the estimate of 80,000 was, in all probability, near the mark. By 1876, at a low estimate—I take the figures of George F. Seward, author of the book entitled "Chinese Immigration"—they were at least 105,000.

By the exclusion laws and their rigid enforcement this number has diminished, but by the last census, that of 1900, nearly

90,000 are still in our midst. Every conceivable trick and device is practiced to evade the laws and bring them into this country, and so great is their anxiety to enter the field of American labor that \$500 a head is paid to those who may be able to successfully smuggle in a single cooly.

SLAVE TRADE.

People unacquainted with the facts will naturally wonder how this great number of poor Chinese laboring men were enabled to pay the heavy expense attending a journey across the Pacific and the cost of making a start in a new country. But this is not at all surprising when it is known that the expenses of these cooly immigrants were paid by wealthy Chinese trading companies. The chief among them were called the "Six Companies." These companies carried on a traffic very closely akin to the slave trade between this country and Africa by which the negro was introduced in large quantities into the United States—the difference being that they were not sold outright, but were bound to work for their masters for a period of years or pay back with heavy interest the original outlay. This condition of affairs led to national legislation being passed as early as 1862, and from that time until 1875 laws were enacted by Congress to prevent this form of slave trade. All of these acts provided that they should not apply to voluntary immigration.

The treaty concluded between the United States of America and the Ta Tsing Empire (China) June 18, 1858, the ratifications of which were exchanged August 16, 1859, contained the Favored-Nation clause, as follows:

Should at any time the Ta Tsing Empire grant to any nation or the merchants or citizens of any nation any right, privilege, or favor connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens.

The next treaty with China was what is known as the Burlingame treaty, of which the ratifications were exchanged at Peking November 23, 1869, and dealt directly with Chinese immigration, and its provisions were supplementary to the treaty ratified August 16, 1859.

Articles V and VI of this last treaty secured free immigration to both the people of China and the United States into the respective countries. The following words declare the status of a Chinese citizen when in the United States:

Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may be enjoyed by the citizens and subjects of the most-favored nations. But nothing herein contained shall be held to confer nationality upon citizens of the United States in China nor upon subjects of China in the United States.

The acts of Congress above referred to were made under the above treaties, which threw the doors of this country wide open to Chinese immigration and gave them every right it gave to immigrants from Europe except that of citizenship by naturalization.

Upon this latter clause the treaty rights and security of the Chinese who have come into this country and remained under its provisions depend.

At the time of the making of this treaty there was considerable discontent evinced by the citizens of the Pacific States, chiefly of California, at the increased and increasing immigration from China. This discontent and apprehension of its dangerous results increased until it provoked open violence, and in 1879 both branches of Congress passed a bill entitled "An act to restrict the immigration of the Chinese to the United States," which was vetoed March 1, 1879, by President Hayes, on the ground that it was a violation of the existing treaty rights.

In his veto message he suggested the advisability of amending the existing treaties. This led to changes in the existing treaties and to what on this subject amounted to a new treaty, ratified July 19, 1881. After much discussion and explanation by the commissioners representing the United States, who sought to obtain the consent of China to "regulate, limit, suspend, or prohibit the immigration of Chinese laborers," which term was to include all other immigration than that for teaching, trade, travel, study, and curiosity—which was objected to, as it included artisans—the following amendment was obtained:

The Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body or household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exceptions which are accorded to the citizens and subjects of the most favored nations.

This treaty did not abrogate either the treaty ratified in 1859 or the Burlingame treaty, ratified in 1869, but was simply amendatory of some of their provisions.

It was one-sided, and was a concession by China of some of the rights she enjoyed under the previous treaties.

The first bill passed by both branches of Congress after this new treaty stipulation had been agreed to was vetoed by President Arthur, chiefly on the ground that it excluded the Chinese laborer for twenty years, which he held to be too long to be within the meaning of the treaty provisions.

The act of May 6, 1882, was then passed and became a law. By this such immigration was suspended for ten years. It was amended in 1884 by reason of the frauds resorted to to evade it. In 1888 another treaty on this subject of exclusion of Chinese laborers was agreed to but never ratified by China. The act of September 13, 1888, was passed in anticipation of its ratification and a portion of it only became operative. This act was again amended October 1, 1888, and this act was declared repealed by the treaty of 1894. The act of 1888, September 13, is considered subject to the same objection.

Then followed the Geary Act, of May 5, 1892, which provided for another period of suspension for an additional ten years, which second term expires May 5, 1902.

The convention or treaty signed March 17, 1894, and ratified December 8, 1894, was finally concluded. This absolutely prohibited the coming of Chinese laborers into the United States for ten years from ratification, and if neither government object to its continuance within six months from the time of its expiration it shall continue for another period of ten years.

Among other provisions it contained the following:

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming into the United States and residing therein.

And further provided that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries.

It is hard for the citizen who has not studied law, and even many that have, to understand why it should have taken so many acts of Congress and treaties and rules of the Treasury Department of the United States to keep out Chinese cooly laborers. I can only answer that the Chinese are the shrewdest of the people of the earth, and have found some loophole in all the legislation passed or some means of evading laws and regulations, and new laws, treaties, and rules must constantly be made to keep these evasions under control. From the very beginning it has been a game of chess, and they have often been the more skillful players.

TOTAL EXCLUSION.

To those who contend that we would settle the matter if we were to take the bull by the horns and prohibit Chinese immigration of all kinds in this new proposed act, I answer that as long as there is in our treaties the excepted classes of officials, teachers, students, merchants, travelers for curiosity or pleasure, we can not pass laws in contravention of the provisions of these treaties. That would be a breach of national faith unworthy of any nation, much more of a nation which stands in the front ranks, if it is not the foremost nation of the world.

The bill now before us—with a few amendments which will in all probability be inserted—is the most complete that has ever been proposed on this subject. While there may be and will be evasions of it, the practical result of its passage will be to stem the tide of Chinese immigration effectually. The few that can steal their way in will not be of any great detriment to us, and if they become so they will be expelled as having come in in violation of our laws.

In answer to those who charge this country with bad faith in dealing with the Chinese, I can only say that their arguments and contentions have no practical merit, and are purely technical.

During the conferences which led to the treaty stipulations of 1880 the Chinese commissioners said that by "limitation" in number they took it to mean that no more Chinese should be allowed to come into the United States in any one year in the future than the greatest number that had gone in in a year in the past, or "that the total number should never be allowed to exceed the number now there;" as to limitation of time, they understood that to mean "that they should not be allowed to go for two, three, or five years." Surely if this suspension under their own construction could be for five years, why could it not be made for a longer time? The Geary Act for ten years was held constitutional and not in contravention of treaty rights, and it took up the second suspension period, making practically a twenty-year period. This third extension may be fairly said to be contemplated and approved of under the provisions of the treaty of 1874.

I will admit that dealing with any other nation than China none of the concessions made on this subject would likely have been made, for it can not be denied that we have been and are in the position of the boy who wanted to keep his penny and the cake at the same time. We want to exercise the right to exclude

the Chinese and still ask for as large a share of her trade as possible, and we do not hesitate to urge that our merchants and other citizens shall have all rights to enter her country for the purpose of extending our trade relations.

CHINA OPPOSED TO HER SUBJECTS EMIGRATING.

China's action and position is easily understood when we know that the ruling power of China, the Dowager Empress Tzi-hsi, is an ultra conservative. She worships the past and her ancestors, and "would keep China for the Chinese" and preserve its historic civilization forever. With perfect consistency she has ever pursued this policy, and looks with disfavor upon the emigration of her subjects, especially to occidental countries, where they will be infused with new ideas and customs antagonistic to those of her Empire.

This, in my humble opinion, lies at the bottom of the want of vigorous protest on her part to our policy of exclusion legislation.

UNITED STATES CHINA'S FRIEND.

Another reason no doubt is the fact that outside of our exclusion policy, which is well understood and practically assented to by China, we have always been her friend. Whether this position and course of action has been dictated by policy and self-interest or by friendship and fair play can make little difference. It is sufficient that we have shown it in a practical manner on more than one important occasion. While we have asked an open-door policy for the trade of the world, we have always opposed a dismemberment of her broad empire.

By offers of our good offices, often attended with some show of determined insistence, we have obtained favorable conditions of peace and the lowering of indemnities imposed upon her. Besides all this, we are her nearest and cheapest market, and she knows we have a deserved reputation for fair dealing with her subjects. So on the whole I am satisfied that of all the foreign nations operating in the Orient China is most kindly disposed to the United States, exclusion or no exclusion laws. And I do not believe it is at all reasonable to suppose that the passage of the measure before us will in any way materially interfere with our rapidly growing trade and commerce with her.

CHINESE TRADE.

A word about this trade, which furnishes but another example of the absolute fallacy of the doctrine that trade follows the flag. This country is the only one of the commercial nations who has not grabbed and does not own outright or control by lease or agreement a piece of the Chinese land, and yet to-day it ranks as third in the value and volume of its trade relations, Great Britain and near-by Japan alone exceeding us. The most recent statistics at hand are those of 1899, which are as follows, and show by comparison that in four years the United States has doubled its sales to China while Great Britain's have perceptibly decreased:

	Imports.	Exports.
United States.....	\$16,059,041	\$15,624,558
Great Britain.....	28,936,083	10,060,014
Japan.....	22,634,048	11,804,867

China sells us chiefly silk and tea, as well as large quantities of hemp, hides, leather, matings, and oils.

China is our most important customer in cotton cloths, and buys over one-half of what we export. Cotton cloths and petroleum are her chief imports from the United States at the present time. As the years go by and China improves her manufacturing abilities we may lose a part of the cotton market, but we stand ready—in fact, are the only nation in the world—to furnish her with the finished material for the building of railroads and bridges and the equipment for her transportation lines, as well as the machinery for her prospective manufactories, all of which must give us a steady increase of trade with her development. She has learned to buy in, the quantity and quality considered, the cheapest market, and her people are too shrewd and bright to leave sentimental considerations stand in the way.

In view of these facts the threatened loss of trade is a bugaboo not worthy to be considered when issues of such paramount importance to the American people are at stake.

ARE EXCLUSION LAWS NECESSARY?

I am well aware that there are many people in the United States who believe our citizens who so strenuously demand the passage of this legislation are needlessly alarmed and greatly overestimate the baneful effect of opening this country to free Asiatic immigration or to subjecting it to any more than such restrictions as are now imposed upon citizens from other countries.

These men contend that the Chinese will never come to our shores in sufficient numbers to be any considerable factor in labor competition. That those who do come will be of great benefit, as they will furnish us much needed labor in the lowest grades in

which they claim the present labor market is greatly deficient; and will furnish house servants of a superior kind which can not now be obtained except at wages beyond the ability of the average citizen to pay. As to the number that would likely take advantage of a termination of the exclusion act, that is, of course, problematical, but that it will be very considerable, from all the information I have gathered from statistics, books, and personal observation, is certain. We must not forget that China has a population over 400,000,000 souls. Her country is overpopulated and the struggle for existence is desperate. She would not miss, and could with benefit lose 10,000,000 of her coolly population, who would be only too glad to seize the opportunity of bettering their condition should a good chance present itself.

I have no doubt that the flow of immigration without exclusion laws would be steady, and if they received no ill-treatment would rapidly reach the million mark. That in itself would create a most effective and disastrous competition, for those immigrants are almost entirely able-bodied men. In our population of 80,000,000 we can not have more than from ten to twelve million able-bodied wage-earners. The addition of a million would create an immediate impression on the labor market. You ask me upon what I base my estimate. Well, take the present conditions which surround us; every trick and device is used to obtain entry. As much as \$500 is paid per capita for successful smuggling. Over the Mexican border comes a constant stream of yellow men, great care being used to scatter them and not attract attention by their numbers; still the stream is steady. So it has been from the British possessions of the north; the drift is steady, but necessarily in a stream not large enough to be generally noticeable. At our ports every contrivance—false swearing, impersonations, claims of belonging to privileged and nonexcluded classes, are constantly made, and only by the greatest watchfulness of our officials are these numbers limited who enter by evasions of the law.

When this is done, in spite of the fact that heavy penalties await offenders, and they are sure they are not wanted or welcomed by our people, we must necessarily believe that there is great anxiety among the Chinese of the port towns at least to make the United States the theater of their operations, recognizing it as a most desirable field. Another reason confirms me in my opinion; that is the fact that throughout the East, wherever he has been welcomed or even allowed entrance, he has overrun the country. A few examples are Singapore and the Malacca Peninsula, the Philippine Islands, the Sandwich Islands, Porto Rico, Cuba, and even densely settled Japan. So you will find him over all the isles of the Pacific, wherever he can find profitable lodgment. Such a source of annoyance has he become to the nations of many countries of the Orient that he is barred out, both by fear of violence and by the most stringent laws; and I instance Ceylon, Australia, New Zealand, Tasmania, and most of the islands of Polynesia.

THE CHINAMAN'S TRAITS.

I particularly desire to-day to discuss in connection with the above tendency of John Chinaman to make any available place of profit his temporary home his general traits as they have appeared to me wherever I have seen him at his home or in the countries whither he has immigrated. I will try to clearly state the facts as they have been presented to my personal observation, and you may judge for yourselves whether he will ever make a desirable American citizen or whether it will be good sense for us to allow him to introduce himself and mingle with our people in any great numbers, and come into active competition, not only in the lines of unskilled labor, but in those of skilled labor, mercantile pursuits, and clerical work.

And here it must be remembered that John Chinaman may come into a country as a cooly and begin upon the lowest grade of unskilled work, but he will not remain there long. He is capable of much higher work and is constantly on the lookout for it, and he will make every sacrifice to obtain it. He will not work for the lowest wages any longer than he must, but he will take as little or get as much as he can, and he prefers light work at all times to hard manual labor. So whether he gets paid ill or well, has hard manual labor or light, easy employment depends upon his natural capacity, which I will discuss with other of his important traits before I close.

PERSONAL OBSERVATIONS.

When our party of travelers last summer landed at Colombo, the principal city and most important seaport of the island of Ceylon, we first came into direct contact with that picturesque and most comfortable means of conveyance propelled by man power, so common throughout the Orient, but entirely unknown in the Occident—the jinrikisha. From reading books on China and Japan and seeing the illustrations in them we had become acquainted with the fact of its existence, and I marveled that they were not pulled by Chinese coolies as these books and illustrations indicated. Upon inquiry I found that the Chinaman was

unknown in Ceylon; that the few that had come there were driven out by the native Tamil and Singalese. He was so dreaded and feared by the natives as a competitor that by general consent it was agreed that his presence could not be tolerated. This being well known, they had never been troubled with him, and the jinrikishas were manned and all labor done by the natives. By way of remark let me say that the African negro was also persona non grata there, and has never made his appearance on the island.

When we reached Singapore, the opposite was the case—the Chinaman was ubiquitous, on the bay his sampan floated everywhere. On the streets and roads thousands were pulling jinrikishas. The occupants of many of them were Chinese, and it was of most common occurrence to see one Chinaman pulling another Chinaman or two about the streets.

Let us pause to examine the island or port of Singapore for the purpose of acquainting ourselves with its commercial importance. Equally distant between Ceylon and Hongkong, commanding the entrance from the west of the China Sea by way of the Straits of Malacca, and having the Malay Peninsula as the hinterland, it is ideally located. Its geographical position and fine harbor, extensive go-downs, with unrivaled docking facilities, enormous coal supplies, and Chinese labor make it the great central market and transshipment port of the Orient. It receives the merchandise from Siam, Borneo, the Philippines, the French possessions of Cochin China, from Java, Sumatra, the Malay Archipelago, as well as the commerce coming north from Australia and from the west through the Suez Canal. This makes it the great distributing center. Ten millions of tons of merchandise entered and left in 1898 and much more since then, for its growth has been rapid and steady.

It is one of the Straits Settlements and a British Crown colony. Some years ago the English owned practically all of the real estate on the island. How is it now? Outside of the government property, the far larger part is owned by Chinese merchants. The settlement is practically owned and controlled by the Chinese. It is called the "Chinaman's heaven." In all branches of trade, industry, and labor he exercises a dominating and controlling influence. Silently and patiently he has set to work to root out foreigner and native alike, and he will be successful if he is not so already. I was informed by an American living there and representing a great American industry that one could not buy or sell a thousand dollars' worth of goods coming or going without it passing through the hands of the Chinese merchant, such monopolists of the trade of the country have they become. Among the merchants they number not only many rich men but many millionaires.

They have strong merchant guilds and are great organizers of trade and commerce. He further assured me of their absolute honesty in commercial dealings, saying that they not only paid their debts, but a verbal promise to pay money was at all times as reliable as a written one. The payment was always made promptly, punctually on the hour, without any dispute or question whether the commodity bought or sold had decreased or advanced in price. When one Chinese merchant became involved and could not pay, which was a rare case, he was backed by his whole guild or commercial society, and they invariably made his engagements good. They are known to be the most careful and keenest business men in the world, and as a trading race they are said to be far superior to the Hebrews.

In the matter of the acquisition of real estate, they gradually, after making a start by a purchase in one section, extend their purchases on all sides. Silently, patiently, remorselessly, this goes on. Every trick is resorted to to make the location unprofitable and unpleasant to the owner and his tenant, and when he becomes tired of losses and embarrassments and annoyances of all kinds and is not only willing, but anxious, to get away, a Chinese purchaser steps up and buys him out at as great a bargain as he can obtain. No one can withstand this silent but irresistible attack. He has money and craft, nerve and bulldog tenacity of purpose which overcomes every ordinary barrier.

Just as he has spread himself over Singapore he has, by the same steady, silent, patient, aggressive tactics, monopolized Hongkong and Shanghai, and is at the present time by far the largest owner of the real estate of these two great marts.

The truth of the quotation from Senate Document No. 137 of first session of the Fifty-seventh Congress impressed me. The words used are, "None can withstand their silent and irresistible flow, and their millions already populate and command the labor and trade of the islands and nations of the Pacific."

MALACCA PENINSULA.

Now, let us take up the condition as it existed and developed in the Malacca peninsula. Here the Chinaman had been attracted by the discoveries of tin in large quantities, and flocked into the mining districts to take hold of the work. They have by their numbers and persistence and industry driven out the native labor

and monopolized it. They became so numerous and powerful that the Malay races became unable to administer their own governments and control the Chinese who had overrun the country, and the result was first discontent and then riots, and these turbulent conditions extended to such an extent that the Chinese had frequent conflicts between themselves.

They fought each other with a fury and carnage unknown in Malay warfare. The system of piracy which existed in and around Perak and that part of the Malay peninsula arose from these conflicts, and these pirates were notoriously almost exclusively Chinese. Driven to the coast by their fellows, and deprived of food and supplies, they preyed upon every passing vessel with impartiality. This went so far that the Chinese leaders, directed by the heads of their secret societies, attacked British posts beyond the border of Perak. This freed the hand of that nation, ever on the lookout for an excuse to extend its dominion, and the result was England's final occupation and control of the whole peninsula. The value and importance of this acquisition may be easily understood when it is known that nine-tenths of the tin entering the commerce of the world is mined there.

PHILIPPINE ISLANDS.

Journeying from there you strike the Chinaman again in the Philippine Islands. Much has been said of him here, and perhaps little need be added; but you will find him there not as the cooly, not as the man engaged in unskilled labor. He is the best workman there to-day, and he was almost the only merchant until the time of the American invasion, that existed in the Philippine Islands. In examining the workshop of the only railroad on the island I was astonished to find that the superintendent of repairs and construction was a Chinaman. I was assured that all the machinists of any great value and importance employed by that company were Chinese.

Mr. HILL. And did you not find in the navy-yard at Cavite that the best mechanics and a large portion of the labor force employed by the American Government were Chinese rather than Filipinos?

Mr. GREEN of Pennsylvania. I was coming to that. In the boiler shops and places where machinery is made and repaired, throughout the whole city of Manila, the best artisans are the Chinese; and, as has been stated by my colleague, at Cavite and wherever skilled labor is required the head managing man in all departments of skilled labor is a Chinaman. Wherever you go throughout that island and hunt the stores out of which the natives purchase, you will find that but few, and they are of the smallest character, are controlled by the natives. The Chinaman has a practical monopoly of all the retail, if not a considerable part of the wholesale, business.

One remarkable fact I learned. In the lower part of the archipelago, the only place where pearls are found, although it was under the control of the Sultan of Sulu, a Mohammedan, still I found that the entire product of the pearl fisheries went into the hands of the Chinese merchant, is taken by him from there to Singapore and Chinese ports of the East and exchanged. These Chinamen of the Philippines often, I found, married the native women and raised Chinese-Mestizos; but they do not do that with any intention of remaining there the rest of their lives and of settling and being buried there. When a Chinaman reaches a time that he becomes independent, his universal rule seems to be to give something to his wife and something to his children, and, after dividing his property, to take the bulk of it and go home to the land of his ancestors without further thought of wife or children.

When we came to Hongkong we found there the Chinaman almost as ubiquitous as he was at Singapore. There he ran the jinrikishas and all the great mercantile establishments; there he was at the head of all the guilds which furnish the export trade to the world. His numbers here are placed at 250,000 while British and Europeans, including the garrison, number only 7,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. Does the gentleman desire further time?

Mr. GREEN of Pennsylvania. In a few minutes more I can conclude.

Mr. HITT. I yield to the gentleman time to conclude his remarks.

CANTON.

Mr. GREEN of Pennsylvania. A short distance away lies, to my mind, the most unique city in the world, that of Canton, which has two and a half millions of inhabitants; and not a single wheel moves there, not even a wheelbarrow, with no beast of burden except man. More than that, we were unable to get through the streets in this city except in a sedan chair, carried by from three to four coolies. The streets of the city are between 6 and 8 feet in width; they rarely go beyond that. There is an immense amount of property in the shape of merchandise in that town. The people are most industrious workmen. Every

kind of hand work that requires a skilled artisan is made in that place. I saw embroidery there that must have taken skilled women at least from three to six months to make, and it was sold for the sum of from two and a half to four dollars in gold, and that, of course, took in the value of the materials which entered into it, which were of the finest. Skilled artisans live here on \$2 per month.

I have not time to go into the details, but wherever you turned the fact that labor did not count forced itself upon your attention. Everything was cheap, but labor was the cheapest. I asked at Hongkong how much the British Government paid a day to work on the roads in the heat of the summer, and I received the reply that men were paid 25 cents Mexican, which is equal to 12½ cents, and women half as much.

If we want to bring the American people down to the plane of life that that exemplifies, all we have to do is to open our doors to the hordes who know too much of the wealth and the large wages that can be earned in this country.

The Chinaman has many points by which he will drive out even the American workmen should he come here. People make a great mistake who think he has no virtues. As a workman I know of none who has greater or more. I will mention just a few. In the first place he is temperate.

Mr. HILL. Absolutely.

Mr. GREEN of Pennsylvania. You will never find a drunken Chinaman at work. The drunken Chinaman is where the Chinaman uses opium, and that to no great extent, I will say, irrespective of what we may see of it in San Francisco and perhaps other towns. But throughout the Chinese Empire the Chinaman is temperate in the extreme. His temperance goes beyond that; he is really abstemious, not only in drink and in smoke, but in food alike.

At Shanghai I visited the opium joints, dancing halls, and places where the natives gather for amusement and entertainment. The hour was not later than about 10 o'clock when I left, and by that time all the opium joints had shut up and their patrons departed, for they were empty. Few, comparatively, of the Chinese in China use opium to excess.

Mr. KAHN. Will the gentleman from Pennsylvania allow a suggestion?

The CHAIRMAN. Does the gentleman yield to the gentleman from California?

Mr. GREEN of Pennsylvania. Certainly.

Mr. KAHN. Almost all the writers on China hold the contrary view. The men who have traveled there very extensively say that one of the besetting sins of the Chinese is their great love for opium and that it has had a very degrading effect on the people.

Mr. GREEN of Pennsylvania. That may be the fact as to some Chinamen, but the men, as I understand it, who have written of China have taken the people of the seaport towns of China for their statements. They have not gone into the interior; and I do not blame them for that, because every traveler that has gone there has said that he is followed by a swarm of Chinamen as sheep follow the bell wether. He can not eat or rest in peace, and they simply follow him out of mere idle curiosity until they have driven him out in utter disgust if not in fear. You have heard that they are not cleanly. The Chinaman is clean. Now, that may be controverted, but wherever you find a Chinaman—of course, as you find other people, some are dirty, but the rule of the race is that he is clean. I never saw a dirty Chinese servant and I saw many of them.

He bathes frequently. Why, a great many of these people absolutely live, raise their families, and have lived for generations on the water. There are millions of them that have been born and bred and worked and died within a compass of the size of a boat about 16 feet in length and 5 or 6 feet in width. In Hongkong I saw a remarkable instance, where a man who owns a boat had his aged grandmother, 83 years of age, his mother, somewhat younger—he had his wife and three or four children and one grandchild on the boat that took my baggage to the hotel. He told me that he had lived there and his father and grandfather had lived before him on this small boat or one like it. He expected to die there. In these port towns and in the rivers millions of people are born, live, and die on boats.

I believe there has not been a writer or traveler that has not agreed upon the fact that the Chinaman is the most industrious mortal in the world. We do not have to go far to see that. Go into the towns where there is a Chinese laundry, and the last light put out at night is that in that laundry. The first man astir in the morning is the Chinaman. It is so throughout the Celestial Empire. He is industrious in the extreme, and being temperate and industrious that is the reason that wherever he goes throughout the places where the oriental races live he can always maintain his position there. He can always fight his way with any native people of these countries.

Everybody admits that he is economical, for how could he live

and raise a family when he receives only 7 to 25 cents a day? Certainly we could not live on that in this country. There may be some truth in the story that his stomach is not large enough to hold a great amount of food. Probably the fact is not that his stomach is not large enough, but the conditions that surround him are such that he does not get enough to put into the stomach, and by being constantly obliged to control his appetite has by this habit become able to subsist on less and maintain his strength on less than any people of the other nations of the world.

The honesty, I have no doubt, of a Chinaman is disputed; but, gentlemen, when you go to Japan you will find in every bank in that great Empire every man that is employed in the bank except a few of the head men, from messenger up to cashier, is a Chinaman, and it was that way through the whole China-Japanese war. Not only is the Chinaman in the banks, but you will often find him as the trusted and confidential employee as well as the superintendent of departments in many of the large manufacturing there. In the greatest of the manufacturing cities of Japan, Osaka, with its 800,000 of population, you find John Chinaman often bossing the job.

Almost everywhere in the East in the English hotels, which are in all the important cities, the servants are Chinese, and the universal answer to inquiries made of their employers was that they were scrupulously honest, capable, clean, and faithful. In fact, this so impressed itself upon a member of the party with whom I traveled that he would have liked to take one along home to act as his body servant, exclusion or no exclusion laws.

Go to the Sandwich Islands, which is the next place, and he has absolutely run out the natives. I remember of going to the beach to bathe, and I made a remark, "Where are the native people?" I expected to see them disporting themselves in the waters, and to find them in their pleasure boats sailing and paddling along the shores. The guide said: "Times ain't as they used to were. In those days the native had plenty of leisure, and much of his time was spent in the water. He has now reached the time in the progress of American civilization when he has all he can do to scratch together a bare living, and instead of spending his time in the water he has to hustle to get enough to eat." This, by the way, is the usual result of the introduction of civilizing influences among native populations and allowing their lands to be overrun by the exploiter and speculator, assisted by the cheap labor of China and Japan.

In these islands I found that the men who supplied the markets were Chinamen. The men who grow the plantains and the bananas, the pineapple; the men who grow every bit of the market produce consumed in the city of Honolulu; the men who raise the ducks and the chickens, who raise the beef and catch the fish are almost invariably Chinamen. I suppose there may be from 25,000 to 30,000 Chinese there now.

Mr. KAHN. There are about 25,000.

Mr. GREEN of Pennsylvania. I know the number is large compared with the amount of territory under cultivation there. I don't know whether the Japanese exceed him in number—

Mr. KAHN. The Japanese number about 60,000.

Mr. GREEN of Pennsylvania. If he does exceed him, he is the only race. There has been a great effort made to get the Japanese there and keep the Chinamen out, for the reason that the Chinaman will not patiently remain a coolly laborer on the sugar plantations, but is always seeking for some more remunerative and less arduous work, and therefore can not be depended upon for a series of years, as can the Japanese.

I have given a short account of the Chinaman as he appears to the American traveler in Hongkong, Canton, and Shanghai—three typical commercial cities of his home land. I have also given a sketch of him as he appears in those places outside of his country into which he has introduced himself, attracted by the opportunities for earning profit, some of which he has overrun and practically monopolized the trade and labor market, and sometimes the very land, viz, Singapore, the Malacca Peninsula, the Philippine Islands, the Sandwich Islands. I have made mention of him in Japan. My colleague from California [Mr. KAHN] in his excellent speech on this bill has given quite a detailed sketch of John Chinaman as he will be found in California and the Pacific States, where he has in the largest numbers located and established his home for the time being at least.

Wherever you find him he maintains all the peculiarities of his race, its manners, customs, mode of life, religious observances, and beliefs; he practices the very vices of his fatherland when possible; he herds together in habitations separated from those of the natives of the community in which he has settled. He takes no interest in the government or the institutions of the country; he does not even enjoy their amusements, except it be that of cockfighting in the Philippine Islands. In no way during the fifty years he has resided in the United States has he ever shown a desire to be incorporated into our national life. He has maintained himself during all this time as a stranger in a strange

land, whose one desire is to work for the accumulation of sufficient money to carry back to China, with which to maintain himself in ease and comfort there among the people of his own race, and, dying, to have his body buried with those of his ancestors whom he worships. So great is his anxiety to be buried in Chinese soil that they tell me every contract made with those who advance money for his passage to this country contains the agreement that in case of death his body shall be deported to his home. The same contract is made with the steamship companies when he purchases a ticket for his return home. The reason that many die returning to China is because when they feel the approach of death they invariably take passage home, knowing that should they die on the way they will be buried there.

One incident showing their utter unfitness for association with and permanent residence in our midst comes to mind. In my home town a Chinaman had been indicted for the rape of a little white girl about 14 years old. He was put under bail promptly in a large amount, owing to the danger of his taking French leave. In the trial all the witnesses for the defense were Chinese laundrymen, and everyone swore to practically the same facts and could not be made to depart from that story, although it was impossible for all of them to have had any knowledge of the facts sworn to had they been true. The very interpreter could not be relied on. It was apparent that they had no regard for the sanctity of an oath nor did they indicate that they knew what that meant. This condition, they say, is universal in court proceedings where they are interested, and it is hard to understand how the courts could maintain their proper functions were they numerous in our midst.

America needs exclusion laws because her shores are so accessible. They do not go to the countries of continental Europe because their labor market is not nearly as desirable as that of the United States. When they once immigrate there in any numbers we will hear of the passage of exclusion acts of the kind passed by this country and Australia and New Zealand.

THE YELLOW PERIL.

I believe that it will be the worst of policies for us to stir up the Chinese country and its people and even urge them to adopt our ideas of civilization and progress. She is a sleeping giant who, when once aroused, may do us great harm. It may seem very smart for some of our American exploiters to laugh and sneer whenever the yellow peril is mentioned; but, gentlemen, that yellow peril will be a practical peril to us when it breaks its bonds of conservatism.

The more one studies it the more he fears it, and the way to meet it to-day is to pass this exclusion bill and take our chances in obtaining what trade we can with China. It will not do to extend our trade at the expense and to the detriment of the people of this country.

I do not fear their vices so much as their virtues, but nevertheless I sincerely fear both. As sure as the sun rises in the east and sets in the west, if the cheap labor of Asiatic countries is allowed in great numbers to settle in our midst a social revolution will be the result. Nothing we can do will so soon precipitate a condition of anarchy or institute a reign of violence the very contemplation of which makes me shudder. It is far better for the citizen of the United States and the citizen of China that steps be taken now such as are contemplated. With stringent exclusion acts in force we will remain better neighbors and truer and more lasting friends. The time will come when in the march of our civilization and progress westward the bonds of China will be broken. I believe it to be near at hand. Let us not forget the truth of the saying, "Westward the star of empire takes its way." It has reached our country now; how long will it remain?

Will it not shine on the land of the Celestial Kingdom next? We have seen in the last few decades the absolute transformation of the people of Japan. But a few short years ago they were exactly like the Chinese of to-day. A few progressive reform spirits with the education of the United States and Europe have wrought the change. To the careful observer the seeds of a new dispensation have already been sown in China. Let her people, among whom primary education is universal and learning in its higher branches widespread, turn themselves to the development of a military spirit. They are physically and mentally strong and have the important elements which go into the making of good soldiers and sailors. They will soon be able to handle the weapons of war with the soldiers of the military powers of the world. The step is not a great one and the time will soon come, aye, sooner than most men expect it. Nor is her commercial growth and development far away. We who live to-day may see the time when she, with her great natural resources and cheap labor, will be an active and irresistible competitor in the markets of the world. Let us keep an eye on China and not allow our greed for gain arouse this sleeping five-toed dragon.

Mr. HITT. Mr. Chairman, the time arranged for general debate has expired. I move that the committee now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole on the state of the Union, reported that that committee had had under consideration the bill H. R. 13031 (the Chinese-exclusion bill) and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. SPIGHT, by unanimous consent, obtained leave of absence for one week, on account of important business.

And then, on motion of Mr. HITT (at 4 o'clock and 30 minutes p. m.), the House adjourned until Monday next.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLER of Ohio, from the Committee on Elections No. 1, to which was referred the contested-election case of William M. Horton v. James J. Butler, Twelfth Congressional district, State of Missouri, reported a resolution (H. Res. 203) that no valid election was held in said district on the 6th day of November, 1900, and that the seat now held by the contestee be declared vacant, accompanied by a report (No. 1423); which said resolution and report were referred to the House Calendar.

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13076) to apportion the term of office of Senators elected at the first general election in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1424); which said bill and report were referred to the House Calendar.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13363) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws, reported the same without amendment, accompanied by a report (No. 1425); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 12889) granting an increase of pension to Lucy Good Bigbie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12933) granting an increase of pension to George W. McConkey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12986) granting a pension to S. A. Routh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12961) for the relief of James L. Carpenter—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 13387) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes"—to the Committee on Ways and Means.

By Mr. McLACHLAN: A bill (H. R. 13388) amending section 13 of Title I, chapter 1, of the Political Code of Alaska—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 13389) for making a grant of alternate sections of the public lands in the district of Alaska, to aid in the construction of a certain railroad in said district, and for other purposes—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 13390) to protect Indian allottees in the control of their allotments—to the Committee on Indian Affairs.

By Mr. MUDD (by request): A bill (H. R. 13391) to amend an act entitled "An act to receive arrearages of taxes due the District of Columbia to July 1, 1900, at 6 per cent per annum in lieu of penalties and costs," approved February 15, 1902—to the Committee on the District of Columbia.

By Mr. RUSSELL: A bill (H. R. 13392) to regulate the sale of viruses, serums, toxins, and analogous products in the District of

Columbia, to regulate interstate traffic in said articles, and for other purposes—to the Committee on the District of Columbia.

By Mr. NEVILLE: A bill (H. R. 13393) to amend section 2289 of the Revised Statutes of the United States of 1878, relative to homesteads—to the Committee on the Public Lands.

By Mr. BOREING: A bill (H. R. 13402) to provide for the improvement of the Upper Cumberland River—to the Committee on Rivers and Harbors.

By Mr. TAYLER of Ohio, from the Committee on Elections No. 1: A resolution (H. Res. 202) declaring that no valid election for Representative in Congress was held in the Twelfth Congressional district of the State of Missouri on November 6, 1900, and that the seat now held by the contestee be declared vacant—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 13394) granting a pension to William H. Polhamus—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 13395) granting a pension to Arthur J. Bushnell—to the Committee on Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 13396) granting an increase of pension to Jennie Wagner—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 13397) granting an increase of pension to William H. Robinson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13398) granting an increase of pension to George G. Sabin—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 13399) granting a pension to Annie E. Wallace—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 13400) for the relief of the heirs and legal representatives of Samuel Svenson—to the Committee on Claims.

By Mr. SHAFROTH: A bill (H. R. 13401) granting a pension to John White—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13403) granting an increase of pension to Elisha Disney—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Grand Army of the Republic, Westchester, Pa., favoring the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of David Acheson Circle, No. 39, Ladies of Grand Army of the Republic, Pennsylvania, favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Petition of Division No. 15, Brotherhood of Locomotive Engineers, Buffalo, N. Y., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BARTLETT: Resolution of Lodge No. 12, of Macon, Ga., Boiler Makers and Iron-ship Builders' Union, favoring more restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BEIDLER: Papers to accompany House bill 13394, granting a pension to W. H. Polhamus, of Cleveland, Ohio—to the Committee on Invalid Pensions.

By Mr. BELLAMY: Resolutions of the Chamber of Commerce of Washington, N. C., and Elizabeth City, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. BIEDLER: Resolutions of a mass meeting of the Utah volunteers, favoring bill to allow travel pay from Manila, P. I., to San Francisco to those who enlisted on call for volunteers—to the Committee on Military Affairs.

Also, resolutions of Empire Lodge, No. 6, and St. Clair Lodge, No. 44, Iron, Steel, and Tin Workers, favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Machinists' Union No. 238, and Ferris Lodge, No. 132, Railroad Trainmen, Cleveland, Ohio, favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Carpenters and Joiners' Union, of Cleveland, Ohio, asking that the Government building at Cleveland be built of native sandstone instead of granite—to the Committee on Public Buildings and Grounds.

Also, resolutions of St. John's African Methodist Episcopal Church and Zion Congregational Church (colored), Cleveland, Ohio, urging legislation cutting down representation of States disfranchising citizens—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of Polish Society of Pittsburgh, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of Railroad Trainmen of Jackson, Mich., favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Brotherhood of Railroad Trainmen of Huntingdon, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. GRAHAM: Resolutions of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, Allegheny, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the State board of health, Philadelphia, Pa., indorsing House bill 7189, known as the Hepburn bill, in relation to the Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of American Federation of Labor, Order of Railway Conductors, and certain other organizations, in relation to the exclusion of Chinese laborers—to the Committee on the Judiciary.

By Mr. GRIFFITH: Paper to accompany House bill 13040, granting an increase of pension to Hensley H. Kirk—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13214, granting an increase of pension to William W. Rollins—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Resolutions of Federal Labor Union No. 8065, of Glezon, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of V. D. Hendrickson and others, of the Third Congressional district of New Jersey, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

By Mr. McLACHLAN: Paper to accompany House bill for the relief of Annie E. Wallace—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of Journeymen Barbers' Union of South Omaha, Nebr., and Printing Pressmen's Union, Omaha, Nebr., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

Also, resolutions of State Conference of Charities and Correction of Nebraska, favoring the establishment of a laboratory in the Interior Department, etc.—to the Committee on the Judiciary.

Also, petition of certain citizens of Nebraska, favoring the Sulzer resolution relating to the war in the Orange Free State—to the Committee on Foreign Affairs.

Also, resolutions of Machinists' Union No. 13, of Omaha, Nebr., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Barbers' Union, No. 64, South Omaha, Nebr., asking that some of the new war ships shall be constructed in the navy-yards of our country—to the Committee on Naval Affairs.

Also, resolutions of Omaha Branch of Polish National Association, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of J. C. Mitchell, of Fort Wayne, Ind., in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. RODEY: Resolutions of Magdalena Lodge, No. 261, Locomotive Firemen, San Marcial, N. Mex., favoring Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. RYAN: Petitions of Kauty Polish Union, No. 206; John Sobieski III Society, and Branch No. 38, Polish National Alliance, all of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Buffalo Branch Stonecutters' Association, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Coopers' International Union No. 2, of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Journeymen Barbers' Union No. 144, of Buffalo, N. Y., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Resolutions of various labor organizations of Denver, Ward, Kokomo, and Leadville, Colo., for the

further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Bricklayers and Plasterers' Union No. 6, of New Haven, Conn., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of New Haven, Conn., concerning river and harbor improvements—to the Committee on Rivers and Harbors.

By Mr. THAYER: Protest of the Worcester (Mass.) Board of Trade, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. WARNER: Resolutions of Central Lodge, No. 22, Brotherhood of Locomotive Firemen, Urbana, Ill., in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 11704, for the relief of Lafayette B. Jacobs—to the Committee on Invalid Pensions.

SENATE.

MONDAY, April 7, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PROTECTION OF MINERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8327) to amend an act entitled "An act for the protection of the lives of miners in the Territories," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Montana. I move that the Senate insist on its amendment and agree to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CLARK of Montana, Mr. CLARK of Wyoming, and Mr. KEARNS were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2062) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River;

A bill (H. R. 10517) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" and

A bill (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. BERRY presented a petition of sundry citizens of Jacksonport, Ark., praying that an appropriation of \$10,000 be made for the purpose of dredging the bar of the White River at that place; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of Bill Posters and Billers' Union No. 9517, American Federation of Labor, of Denver, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 77, Order of Railroad Telegraphers, of Denver, Colo., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Colorado, praying for the enactment of legislation to amend the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a petition of Federal Labor Union, No. 7390, American Federation of Labor, of Central City, Ky.,

praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of Lodge No. 38, Brotherhood of Railroad Trainmen, of Trenton, N. J., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Essex Trades Council, of Newark; of Feeders and Assistant Pressmen's Union No. 19, of Newark, and of Local Union No. 169, of Jersey City, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Local Division No. 85, Order of Railroad Telegraphers, of Trenton, N. J., and a petition of Local Division No. 74, Order of Railroad Telegraphers, of Elizabeth, N. J., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Belvidere, Columbia, Hazen, Cornish, Oxford, and New Village, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the Kosciuszko Benefit Society, of Perth Amboy; of the Sobieski Society, of Perth Amboy, and of the Sigismont Society, of Perth Amboy, all in the State of New Jersey, praying that an appropriation be made for the erection of a bronze statue in the city of Washington, D. C., to the memory of Brig. Gen. Count Casimir Pulaski; which were referred to the Committee on the Library.

Mr. PLATT of New York presented a petition of the Levi P. Morton Club, of Brooklyn, N. Y., praying that David Parker, a veteran of the civil war, be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of Typographical Union No. 6, of New York City, remonstrating against the adoption of certain amendments to the copyright law; which was referred to the Committee on Patents.

He also presented petitions of H. G. Brooks Lodge, No. 169, Brotherhood of Locomotive Firemen, of Hornellsville; of Brewery Engineers and Firemen's Local Union No. 80, of Buffalo, and of the Branch Stone Cutters' Association of Buffalo, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Coopers' International Union No. 2, of New York City; of the East Side Republican Club of the Twentieth assembly district, of New York City, and of the Levi P. Morton Club, of Brooklyn, all in the State of New York, praying for the enactment of legislation increasing the salary of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of legislation amending the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Italian Typographical Union, No. 261, of New York City, and of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls, in the State of New York, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Greenport and Brooklyn, in the State of New York, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented memorials of sundry citizens of New York City, Brooklyn, Fordham, Yonkers, and Melrose, all in the State of New York, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of the board of aldermen of New York City, N. Y., praying that an appropriation be made to deepen Buttermilk Channel, in the Bay of New York, in the interest of the commerce of that port and the safety of shipping; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of the Retail Grocers' Association of Michigan City, Ind., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 8065, American Federation of Labor, of Glezen, and of Painters and Decorators' Local Union No. 227, American Federation of Labor, of Hartford, in the State of Indiana, praying for the enactment of